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President: Mr. Razali Ismail . . . . . (Malaysia)

The meeting was called to order at 3.10 p.m.

Agenda item 25

Cooperation between the United Nations and the Caribbean Community

Report of the Secretary-General (A/51/299)

Draft resolution (A/51/L.14/Rev.1)

The President: I call on the representative of Saint Lucia to introduce draft resolution A/51/L.14/Rev.1.

Ms. Leonce-Carrly (Saint Lucia): I should like at the outset, on behalf of the member States of the Caribbean Community (CARICOM), to express our sincere condolences to the people and Government of India on the loss of property and life during the recent cyclone.

On behalf of the 13 member States of the Caribbean Community — Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago — that are Members of the United Nations, of the sponsors listed in the document and of additional sponsors Argentina, Australia, Denmark, Estonia, Ireland, Israel, Italy, Luxembourg, Netherlands, Pakistan, Portugal, the Republic of Korea, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, I have the honour to introduce draft resolution A/51/L.14/Rev.1, entitled "Cooperation between the United Nations and the Caribbean Community", with the following oral revisions to operative paragraph 7.

First, the word "*Requests*" should be replaced with "*Recommends*". Secondly, the following phrase should be deleted: "in conjunction with the Conference on Governance and Development". The new operative paragraph 7 now reads:

> "*Recommends* that the first general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system be held in 1997, for the purpose of holding consultations on projects, measures and procedures to facilitate and strengthen cooperation between those organizations."

The Charter of the United Nations places emphasis on the promotion of peace and security as well as on the economic, social and cultural development of Member States. Chapter VIII of the Charter also provides for cooperation between the United Nations and regional organizations. This arrangement — cooperation between the United Nations and CARICOM — rests on the principles, purposes and practices of those provisions.

In establishing CARICOM in 1973 and its predecessor, CARIFTA, in 1964, CARICOM States have demonstrated their intention to pursue multilateral cooperation in the advancement of their political, economic, social and cultural development. Since 1985,

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the Caribbean Community has invited the United Nations Secretary-General to be represented at their summits and has cooperated with the representatives of United Nations programmes and agencies at the regional level. CARICOM welcomed the participation of its Secretary-General in the second meeting between the United Nations and regional organizations convened by the Secretary-General in February 1996.

CARICOM member States have themselves participated actively in regional and international forums, and, while emphasizing their unique needs and aspirations, have also proposed possible solutions to their problems.

In 1991, the General Assembly granted observer status to CARICOM. Then, in 1994, CARICOM Heads of Government requested the Secretary-General of CARICOM to seek an even closer relationship with the United Nations, thereby affirming the growing partnership between the two organizations.

At their 1994 meeting, CARICOM Heads of Government decided to support the international community in the restoration of democracy in Haiti. CARICOM's participation in the multinational force and the United Nations Mission in Haiti (UNMIH) was its first experience in United Nations peacekeeping operations. On several occasions, the Secretary-General of the United Nations expressed the international community's appreciation of the special role played by CARICOM in this mission. The establishment and continuation by CARICOM of a joint CARICOM-Haiti commission is evidence of the seriousness with which CARICOM accepts its partnership role.

The General Assembly adopted resolution A/49/141 on cooperation between the United Nations and CARICOM on 20 December 1994. The report of the Secretary-General on this item, contained in document A/51/299, outlines the activities of the United Nations system in the implementation of that resolution. The draft resolution currently before the Assembly, A/51/L.14/Rev.1, seeks to build on the partnership between this global Organization and its subregional counterpart. In its preambular part, the draft resolution draws attention to the importance of furthering CARICOM's role in the development of peace and security within the Caribbean region; the promotion of meetings between the representatives of the United Nations Secretary-General and the Secretary-General of CARICOM for consultations on policies, projects, measures and procedures that will facilitate and broaden cooperation and coordination between them; and the strengthening of cooperation between the United Nations and the Caribbean Community in the area of economic and social development, as well as of political and humanitarian affairs.

In its operative part, the draft resolution takes note of the very comprehensive report of the Secretary-General and of his efforts to strengthen cooperation between the United Nations and CARICOM.

In addition, the draft resolution draws attention to the priority areas of cooperation approved by the Standing Committee of Ministers Responsible for Foreign Affairs. These include follow-up to the global conferences; the advancement of the new global human order; the law of the sea; follow-up and implementation of the Programme of Action for the Sustainable Development of Small Island Developing States; the development of poverty reduction programmes; peacekeeping; diplomatic training; governance and development in the Caribbean; and the strengthening of the regional Secretariat information base.

Furthermore, A/51/L.14/Rev.1 invites the Secretary-General to continue taking the necessary measures for promoting and expanding cooperation and coordination between the United Nations and the Caribbean Community in order to increase the capacity of the two organizations to attain their objectives and requests the Secretaries-General of the United Nations and the Caribbean Community, or their representatives, to hold consultations with a view to signing an agreement on cooperation between the United Nations and the Caribbean Community.

The draft resolution calls upon the Secretary-General of the United Nations to consult with the Secretary-General of CARICOM to assist in furthering the development of peace and security in the region in the context of preventive diplomacy and peacekeeping.

We attach great importance and significance to the holding of the first general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system in 1997, as recommended in paragraph 7.

CARICOM member States also attach great importance to paragraph 8, which requests the Secretaries-General of the United Nations and the Caribbean Community, or their representatives, to encourage inter-agency, sectoral and focal point meetings on areas of priority.

In conclusion, mindful of the current financial situation of the United Nations, CARICOM member States would propose a biennial reporting mechanism, without prejudice to efficient and cost-effective consultation and coordination between the two organizations.

I hope that the draft resolution will receive the support of all the members of the Assembly. From its inception, CARICOM has always upheld the principles of the Charter and this act of confirmation of its full partnership role would further enhance effective cooperation between the two organizations at a time of challenges and opportunities.

Mr. Turnquest (Bahamas): Allow me, first of all, to express the sympathy of my Government to the Government and people of India on the loss of life and damage to property due to the recent cyclone.

In the post-cold-war era, the United Nations has an important role to play in coordinating and harmonizing the efforts of nations to achieve common objectives. Such aspirations include the attainment of international peace and security, cooperation in the economic, social and cultural fields and the fostering of respect for human rights and fundamental freedoms.

In this connection, the United Nations must be seen as a mechanism not only by which the voices of all nations can be heard, irrespective of size or wealth, but also whereby constructive action is taken on behalf of all the world's peoples, particularly those who are most in need of assistance. As stated by the Foreign Minister of the Bahamas in her address to this session of the General Assembly:

> "The Bahamas is convinced that the United Nations remains the primary world body with the capacity and political will to bring together the disparate elements of the international community so as to face and deal with the challenges of the twenty-first century." *(Official Records of the General Assembly, Fifty-first Session, Plenary Meetings, 24th meeting, p. 12)*

The Bahamas is pleased to note that the dynamic partnership between the United Nations and various regional organizations over the years has been instrumental in paving the way towards the attainment of our common goals. It is important that we take all necessary measures to foster and strengthen the environment of positive collaboration. Thus, the Bahamas welcomes the information contained in the first report of the Secretary-General on cooperation between the United Nations and the Caribbean Community. It clearly shows that, since the granting of observer status to CARICOM in 1991, there has been considerable collaboration between the two organizations; indeed, there was ongoing significant joint United Nations/CARICOM activity long before 1991. The report also reveals that there are many areas where cooperation can be strengthened even further.

We welcome, in particular, the information regarding joint activities in the areas of disaster preparedness and prevention and international drug control, given the peculiar problems experienced by the region in these matters. Also, the signing of the memorandum of understanding for cooperation by CARICOM and the Economic Commission for Latin America and the Caribbean (ECLAC) can only augur well for the future given the high level of cooperation which has existed in the past between CARICOM countries and ECLAC, in particular the Caribbean Development and Cooperation Committee.

We are also pleased to learn that, during the period under review, high-level officials participated in meetings and consultations of both organizations. This can only further the process of finding effective ways to work together. We note that, within the United Nations Secretariat, a new arrangement has been introduced to allow greater flexibility in cooperation and coordination and that it is expected that this new mechanism:

> "will facilitate more pragmatic and cost-effective cooperation between the two organizations". *(A/51/299, para. 12)*

The Bahamas is supportive of any step that is taken for the purpose of greater efficiency. However, we trust that, within this new arrangement, appropriate steps will be taken to ensure the continuation of collaboration at the highest levels of both organizations and that all activities will be carried out in a coordinated manner.

The Bahamas is of the view that there could have been more information in the report on activities to be undertaken by some of the key areas of the Secretariat. For example, apart from information on small island developing States follow-up, there was no information on activities to be undertaken by the Department for Policy Coordination and Sustainable Development. Given the role that it will play in the follow-up to the recent United Nations conferences, all of which are of immense importance to CARICOM countries, it would have been

useful to learn of that Department's plans to facilitate cooperation.

Similarly, we would have welcomed information from the Department for Economic and Social Information and Policy Analysis. The enhancement of national capacity with respect to data collection, research and analysis is of significant interest to CARICOM countries. Given the work done by that Department in these areas, it would have been useful to be apprised of their projections. Time will not permit me to comment in detail on other areas where information is missing. However, we hope that this lacuna arises merely from the data not having been put in the report, and not because these departments have no plans to engage in cooperative activities.

The fiftieth anniversary of the United Nations served in the Bahamas to heighten interest in the United Nations. Most likely the same is true of other CARICOM countries. Future joint public information activities should aim to maintain and build upon this increased awareness. Information on the work of both organizations should be publicized; such information should be of relevance to the region and should be widely disseminated in a timely manner.

Given the importance of the development of human resources in the region, it would be useful in future reports to have information from entities such as United Nations Institute for Training and Research and the United Nations University. There is wide scope in these areas for activities such as training, fellowships, scientific exchanges and the preparation and distribution of publications. Similarly, in the light of the escalation of crime in the region, we would welcome information from the Division for Crime Prevention and Criminal Justice.

The next logical step in this growing partnership between the two organizations would be the establishment of a formal agreement, as called for in the draft resolution which is before us (A/51/L.14/Rev.1). The final communiqué of the 1996 meeting of the CARICOM Standing Committee of Ministers Responsible for Foreign Affairs provides useful parameters within which such an agreement could be based.

It is the hope of my delegation that, in the course of elaborating an agreement, due attention will be paid to developing cooperative activities in areas such as trafficking in small arms and the trans-shipment of hazardous waste through the region. Both of these activities are of grave concern to the region. Efforts should begin as soon as possible to draft an agreement as a framework for relations between CARICOM and the United Nations.

The Bahamas is of the view that collaborative action is on the right track, and we wish to commend both organizations for activities undertaken to date. Further success will depend on the willingness of both entities to continue to engage in constructive dialogue in a framework of mutual respect and harmony. We are confident that this will be the case.

In closing, I wish to convey the full support of my delegation for the draft resolution before us.

Mr. Campbell (Ireland): I express the sympathy of the States members of the European Union to the people and the Government of India in connection with the tragedy that has affected them as a result of the recent natural disaster.

I have the honour to speak on behalf of the European Union. The following associated countries align themselves with this statement: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia. Iceland and Norway have also aligned themselves with this statement.

The European Union welcomes the developments which have taken place over the last two years to strengthen and intensify the relationship between the United Nations and the Caribbean Community (CARICOM). In this regard, the decision by CARICOM Foreign Ministers at their twenty-second meeting, held in Jamaica on 13 and 14 May 1996, to agree on new areas of activities for joint pursuit between CARICOM and the United Nations is of particular significance. Areas where enhanced cooperation will have special importance include issues related to the law of the sea, peacekeeping, cooperation in the development of poverty reduction programmes and in the follow-up and implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.

The European Union is pleased to recall the constructive role played by CARICOM in the restoration of democracy in Haiti and the participation of the CARICOM contingent in the United Nations Mission in Haiti. As the Secretary-General points out in his report on the work of the Organization, this was the first time that the Community had participated in a United Nations peacekeeping operation. This type of action marks a major contribution to the development of peace and

security within the Caribbean region and, as the Secretary-General rightly points out, serves to underline the vital role that members of CARICOM can play in furthering the United Nations causes of peace, development and democracy.

The report of the Secretary-General on cooperation between the United Nations and CARICOM (A/51/299) contains a detailed list of the range of cooperation activities between the two organizations. The European Union applauds these developments. They testify to the dynamism and energy which the members of CARICOM have brought to their relationship with the United Nations family and point to deeper and even more effective cooperation in the future.

An example of regional cooperation involving the United Nations undertaken at the initiative of the European Union is the Plan of Action for Drug Control Coordination and Cooperation in the Caribbean, agreed in Barbados in May this year. This will provide for the adoption of measures aimed at better national coordination, legislation, law enforcement, demand reduction and maritime cooperation in the field of drug control. CARICOM will play an important role in facilitating the implementation of this Plan of Action.

The European Union and its member States have a special relationship with the countries of the Caribbean. The ties of history are deep and well known. However, it is the new partnership between us that shows the strength of our long-term commitment to the region. We have developed, in close cooperation with the countries of the Caribbean region, a strategy based on three main priorities: support for the process of economic transition; promotion of sustainable development of the Caribbean region with particular emphasis on human resource development, the protection of natural resources and combating socio-economic threats, including the fight against drugs; and the promotion of increased economic cooperation leading to fuller integration in the world market.

Under the fourth Lomé Convention, which provides $560 million dollars to the Caribbean region, the European Union is able to work closely with all the members of CARICOM individually and at the regional level to address the specific problems of CARICOM members, most of which are small island developing States. We recognize the economic and social difficulties which are unique to small island developing States. Their small domestic markets, geographical remoteness from neighbours and from extraregional markets and sources of supply, and the need for heavy investments in transport and communications aggravate the constraints to development which they must already tackle. The region as a whole is particularly vulnerable to natural disasters and their devastating impact on the economic growth of the countries of the Caribbean. Environmental degradation can also affect the basis of economic and social life in the countries of the Caribbean region, as natural resources are of essential importance to sectors such as tourism and agriculture.

The European Union would therefore encourage island developing countries to pursue development strategies which will take into consideration long-term requirements for sustainable development. We reiterate our willingness to continue to provide financial and technical support for such measures.

We warmly welcomed the adoption in May 1994 of the Programme of Action for the Sustainable Development of Small Island Developing States. The European Union is actively working to ensure that it is fully implemented and can make a lasting contribution to achieving sustained economic growth and facilitate sustainable economic development.

The European Union is already sharing its own experience of regional cooperation and integration with the countries of the Caribbean and reaffirms its commitment to continue to provide financial and technical assistance in support of CARICOM's own efforts to tackle the challenges which are special to small island economies.

We welcome the creation of the Association of Caribbean States as yet a further effort at integration, and the Forum of Caribbean States of the African, Caribbean and Pacific countries. We believe the experience gained in the process of regional economic integration by CARICOM is a major asset in the wider integration process on which the entire Caribbean basin can build.

In this context, we believe that further efforts should be made to promote regional economic integration and cooperation, which can lead to economies of scale across a range of economic activities from protection of coast lines to environmental protection, trade promotion and market access, tourism development and the expansion of inter-island feeder services. This overall strategy should enable the achievement of international competitiveness and the gradual integration of the Caribbean into the world economy. At the same time, the negative effects of transition from poverty should be addressed alongside the

economic reform process. In this respect, human development and capacity-building are fundamental to sustainable development in the region.

The co-sponsorship by members of the European Union of the draft resolution, which we hope will be adopted by consensus, is testimony to the value and importance that we continue to attach to the role of CARICOM and to its ever closer relationship with the United Nations.

Mr. Mpay (Cameroon) (*interpretation from French*): On behalf of the African Group, I wish, like the speakers before me, to express our deep condolences to the Government and people of India for the loss of human life in the cyclone that recently struck the country.

I am speaking in reference to agenda item 25, entitled "Cooperation between the United Nations and the Caribbean Community". I speak on behalf of the African Group.

Since its inception on 4 July 1973, the Caribbean Community (CARICOM), which currently has 14 member States, has made considerable progress towards subregional integration. The objectives of the Community, as defined in the Treaty of Chaguaramas — *inter alia,* economic cooperation through the Caribbean Common Market; coordinated foreign policies; and creating joint services in such essential sectors as health, education, culture, communications and industrial relations — have been methodically pursued through the establishment of appropriate Community structures by its member States. We therefore welcome the fact that, from the erstwhile Caribbean Free Trade Association to the current organization, the Caribbean Community has made great strides in the quest for the ways and means to strengthen subregional integration.

Thirteen years after its inception, we can confirm that the Community is doing well and has a positive record. Indeed, thanks to its efforts in such varied areas as agriculture, health, education, upholding human rights and promoting democracy, the Community has spared no effort to maintain the link between the States of the subregion and developments around the world. It has particularly sensitized the countries of the subregion to the stakes involved in their collective future and their common destiny.

In this respect, beyond the efforts already taken in the areas cited above, we must point out other initiatives to promote economic, social and cultural development in the countries of the subregion are under way, strengthening the dynamic towards subregional integration. Thus, the measures taken by the Heads of Government of the Caribbean Community at their seventh meeting, held in Bridgetown from 3 to 7 July, this year, move in this direction. Indeed, the Heads of Government undertook to promote, *inter alia,* the modernization and diversification of the agricultural sectors of their respective countries in order to make them more competitive and hence income-generating, and to consolidate the food self-sufficiency of their peoples. Moreover, the implementation of recommendations promoting, *inter alia,* freedom of movement and the establishment in the subregion of artists, musicians, athletes, journalist and university graduates, together with even more dynamic measures, can promote a general subregional culture of integration.

In the area of coordinating foreign policy, the presence of CARICOM in Haiti within the content of United Nations peacekeeping efforts demonstrates unequivocally the pacific and international nature of the organization and its involvement in the search for peaceful solutions to the problems facing Belize, Guatemala, Guyana, Venezuela, Saint Kitts and Nevis and other countries. The Community's ongoing efforts to draft a civil society charter and a regional programme for witness protection demonstrate that the Community is working to promote and uphold human rights in the countries of the subregion.

I have listed only some of the many achievements of the CARICOM, which are, furthermore, directly in keeping with the objectives of the United Nations. The granting to the Caribbean Community of observer status in the General Assembly on 16 October 1991 and the signing in January 1995 of a memorandum of understanding between CARICOM and the Economic Commission for Latin America and the Caribbean, which is designed to promote cooperation between the CARICOM and the United Nations in several key areas, were therefore necessary.

The CARICOM countries are small island developing States whose development needs are considerable. We therefore welcome the productive cooperation established between CARICOM and the United Nations system. Document A/51/299 gives an exhaustive overview of the areas of cooperation under way between the two organizations. We encourage this cooperation and sincerely hope that it will expand to encompass joint activities between CARICOM and the

United Nations, as defined at the twenty-second meeting of the Standing Committee of Ministers Responsible for Foreign Affairs, held on 13 and 14 May 1996 at Kingston, and at the seventh meeting of the Conference of Heads of Government of CARICOM, held from 3 to 7 July in Barbados.

Key areas of cooperation include follow-up to global conferences; progress towards a new international human order; issues relating to the law of the sea; follow-up and implementation of the Programme of Action for the Sustainable Development of Small Island Developing States; cooperation in the development of poverty reduction programmes; peacekeeping; diplomatic training; governance and development in the Caribbean; and the strengthening of the Regional Secretariat Information Base.

It is only by diversifying this cooperation that the United Nations and CARICOM, which have common goals, will succeed in reducing poverty, creating jobs, developing human resources, revitalizing trade and the economy, promoting health and education in the region — in brief, ensuring sustainable development for the small island States in the region.

All of Africa therefore encourages the United Nations and the CARICOM to begin that journey. That is why we support the draft resolution in document A/51/L.14/Rev.1 and hope that it will be approved by consensus.

Mr. Núñez-Mosquera (Cuba) (*interpretation from Spanish*): Allow me to express our condolences to the delegation of India on the sad human and material losses suffered following the cyclone in that country.

We are drawn to this podium today by the bonds of brotherhood and solidarity that have historically linked the people of Cuba with the peoples of the Caribbean. This traditional brotherhood between our peoples has gone beyond our regional relations and is reflected in all forums of the United Nations, where our status as small and vulnerable islands has strongly defined and mobilized our efforts.

The establishment of the Caribbean Community (CARICOM) in July 1973 was not only a historic event for the Caribbean countries but also a model for all those who, with legitimate pride, foresaw and, witnessed the definitive incorporation of the Caribbean States into the United Nations system in October 1991, when the Caribbean Community obtained observer status in the General Assembly.

Since that time, the 14 States of the Caribbean Community have benefited from cooperation with the United Nations, its programmes and specialized agencies. But they have also made a significant contribution, both individually and collectively, to the work, purposes and principles of the United Nations.

In this regard, we would like to express our concern at the fact that the proposed medium-term plan for the period 1998-2001 does not grant the necessary importance to the question of small islands. The States of the Caribbean Community have been standard-bearers in the cause of peace and development. The peace processes in Haiti, Central America and Africa have benefited from the presence and contributions of the Caribbean States. Important international conferences on cooperation for development, on sustainable development and on trade and development, as well as the Programme of Action for the Sustainable Development of Small Island Developing States, have enjoyed the invaluable participation and the praise of the Caribbean States.

Important multilateral negotiations have been held under the presidency of Caribbean countries, and, under their auspices, international bodies and forums have been established that will play a significant role in the promotion and progressive development of international law.

Cuba is honoured to participate in this debate on cooperation between the United Nations and the Caribbean Community. The report submitted by the Secretary-General, pursuant to General Assembly resolution 49/141, is encouraging as to current and future cooperation between the Caribbean Community and the Organization. Furthermore, the report accurately illustrates the international efforts undertaken by small States, which, rising above their tremendous resource limitations and the adverse climate conditions inherent in their geography, have succeeded in establishing and developing multilateral consultation and cooperation mechanisms. In so doing, they have preserved their longstanding political, social and cultural commonality, as well as their unmistakable identity as members of the Caribbean and Latin American community.

In December of this year, Cuba will host a ministerial meeting of the Association of Caribbean States. Just as the General Assembly has welcomed CARICOM, the people and the Government of the Republic of Cuba open the doors of our small country to the brotherly States of the Caribbean. We reiterate our

support for strengthening international cooperation with CARICOM.

For many reasons — reasons as old and sacred as our common roots — Cuba will always support efforts to promote the progress of the brotherly peoples of the Caribbean, in the framework of the United Nations as well as in our region. We reiterate today that we will contribute to the best of our ability to the process of the fruitful integration of our economies.

We are certain, and indeed have seen proof, that this readiness is and always will be mutual among the Caribbean States, with which we share not only the vast sea that bathes our shores but also the unbreakable resolve to fight for a future of peace, justice and equality among all States.

Mr. Tello (Mexico) (*interpretation from Spanish*): We wish at the outset to convey our gratitude to the Secretary-General for his report on cooperation between the United Nations and the Caribbean Community (CARICOM) (A/51/299).

This report details the various activities undertaken between the United Nations and the Caribbean Community to promote cooperation in areas of critical importance. It also notes the various efforts by the member States of CARICOM to realize the ideals and purposes of the Organization.

Of special significance are the activities undertaken by the United Nations Children's Fund (UNICEF) in the Caribbean, whose main areas of activity are education on health and family life, better parental training, and vocational training.

The United Nations Conference on Trade and Development (UNCTAD), as the main United Nations body charged with promoting the development of island States, has important development links to CARICOM. UNCTAD's key activities include assistance in automating customs, the establishment of a commercial centre, and specialized training programmes in trade, maritime transport and the environment. The United Nations Development Programme (UNDP) also carries out important projects together with the member States of CARICOM.

We appeal to the various organizations and agencies of the United Nations system to take the measures necessary to promote and expand cooperation and coordination with the Caribbean Community in the areas identified by these countries. We hope that the efforts deployed will soon result in a cooperation agreement between the two organizations, which, we are certain, will accord with the mandates, competence and composition of both organizations and which will adapt to each specific situation, as provided for by the Charter.

The Caribbean enjoys priority in Mexico's foreign policy and has a well-defined place in its trade policy. Joined by a sea that grants us the privilege of being part of the Caribbean region, we have points of convergence which my country has sought to utilize and expand.

Mexico has stepped up its activities in the region based on renewed support for traditional cooperation activities with the Caribbean and identification of new and more fruitful mechanisms to that effect. We recently reopened our embassy in Trinidad and Tobago — an example of our commitment to expand our diplomatic presence — and we are committed to launching initiatives aimed at building stable and lasting relations between Mexico and CARICOM.

Mr. Minoves-Triquell (Andorra), Vice-President, took the Chair.

This initiative covers the areas of investment, educational cooperation and the promotion of business. These activities arise from efforts already undertaken by the Association of Caribbean States, the Caribbean Development Bank and under the San José Pact.

In conclusion, we wish to express Mexico's commitment to making further progress in its economic and social cooperation with the CARICOM member States. My delegation trusts that the Assembly will adopt the draft resolution contained in document A/51/L.14/Rev.1 by consensus.

Mr. Rubio (Colombia)(*interpretation from Spanish*): Permit me first to express, on behalf of my people and the Government of Colombia, our solidarity and brotherhood with the people of India and, in particular, its delegation, represented at this Assembly, with regard to the natural disaster that recently occurred on its shores, at great human and material cost.

My country, Colombia, a country on the Caribbean, shares with the Caribbean Community (CARICOM) member States their hopes for development and their ongoing quest for a better life for their peoples. We are

pleased to note that this Community, following the various modalities for cooperation that the United Nations and its specialized agencies have been developing since their early years with various regional organizations, has found effective methods for consultation, information exchange and cooperation with the United Nations system.

The Caribbean Community, established on 4 July 1973, obtained observer status by a General Assembly resolution of 16 October 1991. Since then — according to the report submitted by the Secretary-General pursuant to resolution 49/141 of 20 December 1994 and contained in document A/51/299 of 20 August 1996 — the Community, in cooperation with the United Nations and its specialized agencies, has undertaken a number of activities in various fields that have contributed to the economic and social development of its member States. The institutionalization of mechanisms of cooperation has also helped the Community and its member States to participate more actively in the work of the United Nations and to contribute to the achievement of its objectives.

There is no doubt that the importance attached by the Governments of the CARICOM member States to the question of cooperation with the United Nations — as demonstrated by its inclusion on the agenda of meetings of its ministers and Heads of Government and by the Community's participation in regular meetings between the United Nations and regional organizations and arrangements to coordinate cooperation activities — will continue to provide strong momentum that will certainly benefit both organizations.

CARICOM has been an important factor in the integration process of the wider Caribbean basin that has opened up avenues to new and broader forms of cooperation in the region. In this regard, we recall that, on 24 July 1991, on the birthday of the Liberator, Simón Bolívar, Colombia, the 14 CARICOM States, the Central American countries, Cuba, Mexico, the Dominican Republic, Haiti, and Venezuela established the Association of Caribbean States, which is open to the participation of the territories of the region as associate members and seeks to strengthen cooperation and the development of cultural, economic, political, scientific, social and technological relations.

In view of all this, my delegation cannot but support the development of fruitful cooperation between the United Nations and the Caribbean Community.

Ms. Mawhinney (Canada): Allow me first to convey my country's condolences to the people and Government of India for the terrible losses they have suffered in the cyclone which has just struck their country.

The following is the text which Ambassador Fowler was to deliver this afternoon.

(*spoke in French*)

"I am pleased to address the General Assembly today as a sponsor of the draft resolution before us, entitled 'Cooperation between the United Nations and the Caribbean Community'.

"We have read the report of the Secretary-General on cooperation between the United Nations and the Caribbean Community (CARICOM) with particular attention. It summarizes an impressive variety of activities that the United Nations is carrying out in the region in close cooperation with CARICOM, ranging from disaster relief to a major Caribbean-wide conference on child rights. Canada is pleased to note that a large number of concrete actions respond directly to the basic needs of the people of the region or aim to prepare the required infrastructure and trained personnel to tackle these problems.

"Canada is also gratified to note the large number of pragmatic activities aimed at promoting the economic development of the region. We note actions at the grass roots to encourage the small- and medium-size enterprise sector and market access for smallholder rural producers. At the same time, consultations to foster appropriate macroeconomic policies and improve productivity, competitiveness and international market access contribute at the national level to the development, expansion and adaptation of Caribbean economies within the world economy.

(*spoke in English*)

"Throughout the report of the Secretary-General, mention is made of efforts to involve women in shaping the future of the region. That is based on strong and laudable Caribbean traditions and Canada applauds the work of the United Nations in building on this strong historical Caribbean foundation.

"Canada considers CARICOM's cooperation with the United Nations in Haiti as an example of the potential for the further development of peace and security within the Caribbean region and we are pleased that the draft resolution before us today focuses on that aspect of CARICOM's regional role. The cooperation between the United Nations and CARICOM reflects a trend which the Secretary-General has encouraged: cooperation between the United Nations and regional organizations. That cooperation means that United Nations actions result from close consultation with Member States and better reflect the priorities of local Governments and their peoples. At the same time, we urge CARICOM member States and the United Nations agencies involved to ensure that every effort is made to avoid duplication and any dissipation of scarce resources.

"Many United Nations and CARICOM priorities are also priorities for the bilateral relationship between Canada and CARICOM. In areas such as economic cooperation, commercial relations and the campaign against illicit drug traffic, Canada has been pleased to join its efforts with those of partners equally dedicated to the task of improving the lives of the people of the Caribbean. These have positive effects beyond the region, including in Canada, and we believe it important to support them.

"Canada and the Commonwealth Caribbean share a long tradition of cooperation and friendship in many areas. Our contemporary relationship, as was made clear during the recent consultations between Canada and CARICOM in Ottawa on 7 and 8 November, has evolved to address the new political, social and economic challenges in the region. CARICOM is a valuable interlocutor for Canada on important regional issues such as free trade and narcotics. We have supported CARICOM countries in their efforts to pursue important economic reforms in an increasingly complex and competitive international environment. Canada and CARICOM have also worked together here at the United Nations, with positive results in areas such as fisheries, the proposed international criminal court and the development of small island States.

"For these reasons, Canada encourages the United Nations and CARICOM to pursue what is evidently a productive relationship, and we therefore support the current draft resolution."

Ms. Durrant (Jamaica): Let me first, on behalf of the members of the Group of Latin American and Caribbean States, extend to the Government and people of India sincere condolences on the tragic loss of life and damage to property occasioned by the recent cyclone.

On behalf of the members of the Latin American and Caribbean Group, I should like to thank the Secretary-General for the report (A/51/299) on cooperation between the United Nations and the Caribbean Community (CARICOM). This report has been submitted in accordance with resolution 49/141, adopted in December 1994, which formalized the cooperation between the United Nations and CARICOM and which requested the Secretary-General to report on the implementation of the resolution at this, the fifty-first session of the General Assembly.

The report outlines a wide range of activities undertaken between the United Nations and CARICOM pursuant to the resolution, and details programmes undertaken by different arms of the United Nations system within the Caribbean region. We wish to commend the secretariats of both bodies for the efforts that have been made in this regard.

The member States of the Latin American and Caribbean Group welcome this cooperation between the United Nations and the Caribbean Community, which is an important subregional grouping within the Latin America and Caribbean region. The cooperation between the United Nations and the Caribbean Community has been and will be conducted in accordance with their respective mandates, competence and composition, and should be tailored to each specific situation, in conformity with the Charter.

The consultations between the Secretaries-General of the United Nations and of CARICOM and the participation of officials of both organizations in important meetings of the two bodies have without doubt assisted in strengthening the links between the United Nations and the Caribbean Community.

As the report rightly recognizes, the increasing complexity of international relations has led the United Nations to place a premium on cooperation and coordination at the regional level. In this context, it emphasized that the United Nations attaches utmost importance to building ever-closer ties with CARICOM, and took note of its member States' contribution to the United Nations Mission in Haiti. The member States of

Latin America and the Caribbean are encouraged by this commitment and are agreed that close collaboration of this nature will be of real benefit to the organizations, and, more importantly, to the peoples of the Caribbean region.

The report notes the subjects that the Caribbean Community's Standing Committee of Ministers Responsible for Foreign Affairs has proposed to be areas of joint pursuit between the United Nations and CARICOM. These include: follow-up to global conferences such as the Rio summit and the Barbados Conference on the sustainable development of small island developing States; the proposal for a new global human order; issues related to the law of the sea; follow-up and implementation of the Programme of Action for small island developing States; cooperation in the development of poverty- reduction programmes; peace-keeping; diplomatic training; governance and development in the Caribbean, and strengthening of the Regional Secretariat Information Base. These all are important items which we believe should be given careful attention.

The extensive report of initiatives undertaken within the region by various funds and programmes of the United Nations system, including the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations International Drug Control Programme (UNDCP) and the Office of the United Nations High Commissioner for Refugees (UNHCR), is also encouraging. Of special note are the programmes intended to assist in improving the quality of life of children and in addressing problems related to disaster relief, development, women's issues and trade.

The Latin American and Caribbean Group takes note also of the attention paid to the relationship between CARICOM and the specialized agencies.

Taken in their totality, all these initiatives can contribute positively to improving the ability of the United Nations and CARICOM to work together for the benefit of the peoples of the Caribbean and in furthering the international goals of peace, security, and development, to which the United Nations is committed.

I therefore welcome this report on behalf of the member States of the Latin American and Caribbean Group and call for the adoption by consensus of the draft resolution contained in document A/51/L.14/Rev.1, as orally revised, entitled "Cooperation between the United Nations and the Caribbean Community".

Mr. Hormel (United States of America): May I begin by expressing the condolences of the United States to the people of India in connection with the destruction and the tragic loss of life that they have suffered.

The United States is pleased to cosponsor this draft resolution on cooperation between the United Nations and the Caribbean Community (CARICOM). We support our friends and neighbours, the member States of CARICOM, in their call for a closer working relationship with the United Nations. The United Nations is not only a forum for individual Member States, but also a resource for regional organizations and arrangements. CARICOM is a regional leader, encompassing 14 States and millions of people. It showed leadership recently in its support for the United Nations-authorized peacekeeping missions in Haiti that restored peace to the region and supported democracy in the hemisphere.

Since the formation of CARICOM in 1973, the organization has worked to improve and integrate the economies and political structures of the Caribbean — bettering the lives of its people. The United States has supported CARICOM's efforts, and will continue to do so. CARICOM's efforts to increase trade and investment and to promote sustainable development among its members are laudable.

CARICOM is also showing leadership through its efforts to work closely with the United Nations in the areas of development, environmental protection, drug control, and the promotion of the welfare of children. Coordination of efforts among nations makes programmes more effective and helps guard against duplication of effort. We support this draft resolution and CARICOM's continued goal of bringing the region's Governments together, helping these dynamic nations to secure a better future for their citizens.

Mr. Henze (Germany): Allow me first to join other delegations in expressing our condolences to the delegation of India on the loss of so many lives in the recent cyclone.

The German delegation of course fully associates itself with the statement of the Permanent Representative of Ireland on behalf of the European Union. Germany, however, would like to take this opportunity to underline the importance we attach to the discussion and solution of the problems, the interests and the positions of small island States in general and the Caribbean Community

(CARICOM) in particular in the forums of the United Nations.

Germany is ready to cooperate even more closely with all Caribbean States on a wide range of topics, from enhancing private investment in this region to environmental protection. The protection of the environment is an important part of German foreign policy. In this respect, we are convinced that solutions and aid to the specific problems of small countries, such as the CARICOM member States, can only be based on cooperation on equal terms and on a process of mutual respect and understanding. We will never allow ready-made solutions to be imposed on small and fragile countries.

Over the past year the CARICOM countries, we note with regret, have often been affected by environmental catastrophes, such as the recent hurricane, with devastating effects. Germany was able to provide assistance to the victims of these situations. Since June of this year alone we have granted DM 6.5 million in bilateral emergency aid to the Caribbean Community. Important as this emergency assistance is, however, it is obvious that we need more long-lasting solutions. Therefore, Germany wants to assist the Caribbean Community further in establishing an effective early warning system to help create protective mechanisms which are vital to save lives and to prevent the worst consequences in the future.

The German Foreign Office has financed a study on early warning systems for the Caribbean region. Climate change has become a vital issue for the CARICOM countries, as for other island countries. The German Government is aware of the fact that the industrialized nations bear a great responsibility in this regard. Therefore, together with the small island States, including CARICOM, we intend to adopt a mandatory protocol on the reduction of carbon dioxide emissions. Since the second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change in July this year, the chances to adopt such a protocol have significantly improved.

In our view, the year 1997 will have a decisive influence on the development of environmental protection worldwide. Germany will make clear that it sees its responsibility when we meet next year in the Commission on Sustainable Development and prepare for the special session of the General Assembly to take stock of how we have implemented the mandate that was formulated five years ago in Rio de Janeiro by our Heads of State and Government. The special session of the General Assembly will have to find as concrete as possible an answer, to the question of what we have achieved since the United Nations Conference on Environment and Development (UNCED) on our common path to sustainable, economically efficient, socially balanced and ecologically sound development. In the context of the special session, we would like to propose a special discussion dedicated to the progress achieved by implementing the Declaration of Barbados.

The 1994 Global Conference on the Sustainable Development of Small Island Developing States held in Barbados, in which my Government actively participated, not only generated international awareness for the situation of this specific group of developing States, but also brought us the Declaration of Barbados, a programme of action which we endorse.

Germany can build on its own experience when it comes to implementing the Rio de Janeiro Conventions on Climate Change and on Biological Diversity, as well as the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. During the relevant negotiations, Germany has consistently played a particularly active role and made sure that the just interests of other partners in the South, especially in the Caribbean Community, namely their economic and social development, will be taken into account in the context of the common task of the protection of our global environment.

My country looks forward to continued cooperation with all CARICOM countries, together with our partners and within the framework of the European Union. That is why we are sponsoring, together with the other European Union countries, the draft resolution on cooperation between the United Nations and the Caribbean Community.

Mr. Petrella (Argentina) (*interpretation from Spanish*): Allow me to begin by extending to the people and Government of India Argentina's solidarity with them following the natural disaster they suffered recently.

Argentina is taking the floor to show its support for strengthening cooperation between the Caribbean Community (CARICOM) and the United Nations. We are grateful to the Secretary-General for his report (A/51/299). In our opinion, his recommendations are

appropriate insofar as they lay down a suitable frame of reference for strengthening that cooperation.

This initiative reflects the important role CARICOM countries play in the Organization and their commitment to strengthening international peace and security and promoting sustainable human development.

The consolidation of democracy in the region, which has always found inspiration in CARICOM, has been significantly strengthened by developments in Haiti. In this context, we appreciate the work of the United Nations and its Member States, and in particular the contribution made by CARICOM to the United Nations presence in Haiti.

We also wish to point to the dynamism and presence of the Caribbean countries in efforts to promote the agreements reached at the United Nations Conference on Environment and Development (UNCED) held at Rio de Janeiro.

We share the concern of the countries of the region over the effects of climate change on our environment. If progress is not made in these negotiations, the island States of the Caribbean and of other regions will be particularly affected. This is why we believe that we need to finalize a satisfactory agreement within the context of the Framework Convention on Climate Change in order to avert major damage.

In this context, it is also particularly important to implement the commitments made at the Barbados Global Conference on the Sustainable Development of Small Island Developing States. We hope that due emphasis is placed on the particular situation of these countries within the framework of the review of the Rio de Janeiro agreements.

It is in a spirit of solidarity and with concern that we note that the region is periodically affected by various kinds of natural disasters. Action by the international community in this connection — and particularly by the United Nations — to reduce the damage caused by hurricanes deserves particular mention. We nevertheless believe that once a crisis situation is resolved, international attention declines and proves insufficient to meet the needs of rebuilding damaged infrastructures. This is something we should change.

Argentina participates in reconstruction efforts through its deployment of "White Helmets" to various countries of the region. More specifically, Argentina, through the Horizontal Cooperation Fund, has channelled resources to the Caribbean to cooperate in the sustainable human development of that region. More than 30 cooperation projects are currently under way in areas as diverse as agricultural training, poverty eradication, State reform and privatization.

Regional cooperation, in conjunction with cooperation between the various regional organizations and the United Nations, is one of the mechanisms we have available to eliminate the universal problems that affect international peace and security and the viable development of future generations.

In conclusion, I wish to say a few words about how we in Argentina feel about the countries of the Caribbean Community (CARICOM). These countries are a great credit to the United Nations, as they are to the Organization of American States. Since joining the agencies of the hemisphere they have brought new approaches and a flexible and positive spirit to efforts to solve regional problems. The work of CARICOM's representatives in the Commission on Human Rights, to mention but one example, is a clear example of what I am saying.

However, there is more. The countries of CARICOM have shown and continue to show that good governance and pluralistic democracy are perfectly compatible with efforts towards sustainable development, and that it does not matter if one has small sectoral economies when those who administer them are sensitive to the needs of their peoples.

Mr. Ferrarin (Italy): I wish to fully associate myself with the statement made by the Permanent Representative of Ireland, Ambassador John Campbell, on behalf of the European Union. His words represent the common position to which my country contributed, along with all the other partners.

Let me take this opportunity to add some observations that Italy wishes to underline. Cooperation between the United Nations and the Caribbean Community (CARICOM) is a particularly successful case in the wider framework of cooperation between the United Nations and regional organizations. Italy was one of the sponsors of the draft resolution (A/51/L.14/Rev.1) because of the positive results of this cooperation and because of the emphasis it has given to economic development and the affirmation of democracy in the CARICOM area.

The economic and social development of all CARICOM countries must be one of the main priorities of United Nations initiatives, together with the enhancement of their capacity to be active participants in and contributors to United Nations activities.

The entry into force of the 1982 United Nations Convention on the Law of the Sea and the establishment of the International Seabed Authority in Kingston are two examples of the development of international law and of the valorizing of economic resources that directly interest these island States.

The characteristics of the CARICOM region and the importance of its development are among the prime reasons for Italy's active promotion of European Union cooperation and partnership with the small island developing States, and for its contribution to the follow-up of the Global Conference on the Sustainable Development of Small Island Developing States two years ago. Italy believes that the international community should take stock of the invaluable experience that the small island States have accrued in many sectors.

In the context of the Lomé Convention, during the meeting of the Council of Ministers of the European Union and the African, Caribbean and Pacific (ACP) States in Mauritius, Italy made every effort to prevent major changes to the list of less developed countries and to draw greater attention to the difficulties, in the event of natural catastrophes, of countries removed from the list.

During its term as President of the European Union, Italy supported the desire of the Caribbean States to start a political dialogue. This proposal was made at the Kingston session, which allowed for an exchange of views that went well beyond a mere survey of regional issues. Italy hopes that a structural framework will be given to this dialogue in the future. In the long process involved in the renewal of the Convention, Italy will be supportive of the needs of the Caribbean community, as it has been in the past.

Italy is studying a series of development initiatives in the field of environmental protection and new and renewable sources of energy. These initiatives will be implemented through the United Nations system in conformity with the principles of sustainable human development agreed on in Copenhagen.

Today's draft resolution takes note of the special role played by the States Members of the Caribbean Community in the restoration of democracy in Haiti. The United Nations has played an essential role in returning democracy to this country, and we believe that it must continue to be present in order to strengthen in the short term and the long term the country's stability, the security of its citizens, respect for human rights and economic development. Only stability and security can give the necessary confidence to investors. We will therefore continue to do our part in the proper United Nations bodies, including the General Assembly, to promote and support the United Nations presence in Haiti.

Italy, which is tied to many countries of CARICOM by long-standing bonds of friendship and culture, will continue to follow with great attention this area of United Nations action.

The Acting President: In accordance with General Assembly resolution 46/8 of 16 October 1991, I now call on the Observer for the Caribbean Community.

Mr. Blake (Caribbean Community (CARICOM)): I wish to express the heartfelt sympathy of the Caribbean Community to the Government and people of India for the loss of life and property incurred as a result of the recent cyclone. We well understand their loss.

I am honoured to represent the Caribbean Community (CARICOM) as members of this organ join in support of the draft resolution entitled "Cooperation between the United Nations and the Caribbean Community".

The Caribbean Community, as an integration movement of small States, the overwhelming majority of which are small island developing States, places very great reliance on multilateral systems and rules. The United Nations has succeeded over its 50 years in building systems that simultaneously recognize the sovereign equality of States and differences in the natural endowments and economic capacity of States.

CARICOM was established by the Treaty of Chaguaramas on 4 July 1973 with the fundamental objectives of, first, promoting and facilitating economic development, thereby improving well-being and reducing poverty and unemployment; secondly, strengthening and coordinating the interface of the small States of the Caribbean with the international community; and, third, promoting, through cooperation, social and cultural development and the preservation of these. The processes

continue with increasing intensity and urgency to cope with the pace of global development and change.

Within CARICOM, priority has been given to deepening the economic integration process through the creation of a single market and economy before the year 2000. The single market will maintain the openness of the region to international trade and investment. The process has therefore focused on completion of the internal free market for goods; freeing the market for the movement of capital and investment and for the provision of services, including labour services, beginning with skilled labour; and facilitating and encouraging factor movements through measures such as the harmonization and transferability of social security benefits and the avoidance of double taxation. It has also focused on implementing a competitive common external tariff for imports from the rest of the world.

The second objective is to organize the institutional and human capacity for more effective participation and engagement in hemispheric and global developments. In this regard, there is a Prime Ministerial subcommittee of the Conference of Heads of Government of CARICOM which has the responsibility of prioritizing and coordinating the region's position on external economic issues and negotiating on behalf of the region.

The third objective is to increase the involvement of civil society. In this regard, a Caribbean Community charter of civil society, having been the subject of broad-based consultation, is now in the final stages of approval. The Heads of Government of the Caribbean Community have also set in train plans for a regional, broad-based conference on social and economic development, which will be held in 1997. This conference will build on the results of the various United Nations global conferences and on initiatives in the region over the past five years.

The Caribbean Community has continued to give high priority to relations with neighbours in the Caribbean. In this regard, it admitted Suriname to full membership to the Community in mid-1995; Suriname began to function as a member of the Common Market on 1 January 1996. The Caribbean Community spearheaded the operationalization of the Association of Caribbean States in 1995 and continued its support for the strengthening of democratic institutions, the maintenance of peace and the building of the economic and social infrastructure in Haiti. The Caribbean Community seeks the cooperation of the international community in keeping the Caribbean Sea, which unites all the countries of the Caribbean basin, safe and free from the threats of hazardous materials and waste.

The granting to the Caribbean Community of observer status to the United Nations General Assembly on 16 October 1991 was an important boost not only to regional integration, but to cooperation between the Community and the various United Nations organizations and bodies. It stimulated, for example, the adoption of resolution 49/141, entitled "Cooperation between the United Nations and the Caribbean Community" on 20 December 1994 and the signing of a memorandum of understanding in January 1995 between the Economic Commission for Latin America and the Caribbean (ECLAC) and the Caribbean Community. It has encouraged, even in the face of rapidly declining resources to the region, a number of critical cooperation initiatives with various United Nations agencies.

I would, by way of example and given the elaborate report of the Secretary-General, refer to, first, the initiative of the ECLAC and CARICOM to monitor and promote action to implement the Programme of Action adopted by the Global Conference on the Sustainable Development of Small Island Developing States; secondly, the initiative of the United Nations Children's Fund and CARICOM in relation to health and family life education; thirdly, the initiative of the United Nations Development Programme (UNDP) and the United Nations Conference on Trade and Development to set up a trust fund to facilitate enterprise, education and development in the Caribbean; and, fourth, the support of UNDP for the Caribbean Disaster Emergency Response Agency and its response to the frequent natural disasters that plague the region.

The draft resolution before the General Assembly today will further strengthen the resolve of various agencies of the United Nations system to work cooperatively with the Caribbean Community as it seeks to promote integration and sustainable development and to strengthen its productive and institutional capacity to participate effectively in the global economy. It will also encourage the United Nations itself to focus directly on the special vulnerabilities and the security of the small States, individually and in the Caribbean region as a whole. In this regard, the Caribbean Community anticipates that the review of the follow-up of the United Nations Conference on Environment and Development and other global conferences, which will be undertaken in 1997; will focus specifically on the Global Conference

on the Sustainable Development of Small Island States and provide priorities for future cooperative action.

The Caribbean Community supports the draft resolution, which reinforces the tradition and history of cooperation between the Caribbean Community and the United Nations. We therefore thank members for this opportunity, as an observer organization, to address the General Assembly.

The Acting President: We have heard the last speaker in the debate on this item. We shall now proceed to consider draft resolution A/51/L.14/Rev.1, as orally revised.

I call on the representative of the Secretariat.

Mr. Perfiliev (Director, General Assembly Affairs Division): Should the General Assembly decide to adopt draft resolution A/51/L.14/Rev.1 as orally revised, by its operative paragraph 7, it would recommend that the first general meeting between representatives of the Caribbean Community and its associated institutions and of the United Nations system be held in 1997 for the purpose of holding consultations on projects, measures and procedures to facilitate and strengthen cooperation between those organizations.

It is assumed that the meeting would be held in New York for one or two days on dates to be determined during 1997. There would be no simultaneous interpretation. Documentation consisting of 30 to 50 pages pre-session, 10 to 20 pages in-session and 24 pages post-session would be issued in English only.

On this basis, the proposed meeting would be accommodated without giving rise to additional expenditures under section 26E of the programme budget for the biennium 1996-1997.

The Acting President: The Assembly will now take a decision on draft resolution A/51/L.14/Rev.1, as orally revised.

In this connection, I should like to announce that since the introduction of the draft resolution, the following countries have become sponsors of draft resolution A/51/L.14/Rev.1, as orally revised: France, Germany and Nepal.

May I take it that the Assembly decides to adopt draft resolution A/51/L.14/Rev.1, as orally revised?

Draft resolution A/51/L.14/Rev.1, as orally revised, was adopted (resolution A/51/16).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 25?

It was so decided.

Programme of work

The President in the Chair.

The President: I should like to inform members of the following changes. Agenda item 26, entitled "Cooperation between the United Nations and the Economic Cooperation Organization", originally scheduled for this morning as the third item, is postponed to a later date to be announced.

Agenda item 56, entitled "The situation in Bosnia and Herzegovina", which was scheduled as the second item for the morning of Tuesday, 12 November, is also postponed to a later date to be announced.

Agenda item 30, entitled "Cooperation between the United Nations and the League of Arab States", which was scheduled as the first item in the morning of Thursday, 14 November, will be considered on Tuesday, 19 November, in the morning, as the fourth item.

Next, I should like to inform members that on Wednesday, 20 November, in the morning, the Assembly will take up sub-item (h) of agenda item 18, entitled "Appointment of members of the Joint Inspection Unit", as the first item. Agenda item 41, entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies", already scheduled for that morning, will therefore be the second item.

The meeting rose at 4.50 p.m.

United Nations A/51/PV.57

General Assembly

Official Records

Fifty-first Session

57th plenary meeting
Tuesday, 12 November 1996, 10.00 a.m.
New York

President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order at 10.15 a.m.

Agenda item 27

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Report of the Secretary-General (A/51/355 and Add.1)

Draft resolution (A/51/L.15)

The President: I call on His Excellency Mr. Carlos Lage Dávila, Vice-President of the Council of State and Secretary of the Council of Ministers of the Republic of Cuba, to introduce draft resolution A/51/L.15.

Mr. Lage Dávila (Cuba) (*interpretation from Spanish*): It is an honour for our delegation to submit for consideration by the General Assembly the draft resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", the reasons for which I will explain.

The vote that will take place today commands the attention of millions of Cubans. The Assembly has an opportunity not only to vote against an unfair policy but also to ensure that no State, however powerful, may ignore international law. The bells that today toll for Cuba may toll for another independent nation tomorrow. We appreciate and are deeply thankful for the support members may extend to our just cause.

The resolutions that have been adopted on four previous occasions by the General Assembly by an increasing majority of its members underscore the need to put an end to the United States economic, commercial and financial blockade against Cuba. Nevertheless, the United States Congress and Administration recently decided to promulgate a law known as the "Helms-Burton Act", which, given its extraterritorial, unilateral and coercive nature, violates international law and the Charter of the United Nations.

Even Ancient Rome did not aspire to legislation to rule the world.

President Clinton himself has said: "No one agrees with our policy towards Cuba". At least this is recognized. The United States is therefore not just a prominent debtor to the United Nations in terms of money, but, in turning a deaf ear to appeals made by the international community, it is also a major moral defaulter.

The United States-Cuban dispute did not begin on 1 January 1959. Back in the early nineteenth century, before the ideas of Marx and Engels had emerged, United States leaders already referred to Cuba as a ripe fruit destined to fall into the hands of its northern neighbour.

Twenty-eight years before Fidel Castro was born, United States troops intervened in our country, snatching triumph from the Cuban forces that had fought against Spanish domination for three decades.

96-86779 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Long before the inception of the United Nations and the beginning of the cold war, overt and covert manipulation by successive United States administrations, through the embassy in Havana, had become institutionalized in a shameful spectacle that lasted more than half a century.

The shortages, corruption and poverty caused by a dictatorship that bled the nation — and, instead of a blockade, enjoyed the unconditional support of the United States — explain why the Cuban people were forced into revolution.

The policy of blockade and aggression targeted against Cuba from the very beginning of the revolution preceded Cuba's declaration of socialism. The United States cut off Cuba's sugar quota, began the embargo on all kinds of goods intended for Cuba and ordered its enterprises in Cuba not to process Soviet crude oil.

Light aircraft from the United States strafed cities and burned cane fields. The United States openly supported and encouraged terrorist groups, designed and implemented assassination plans against the leaders of the revolution, severed diplomatic relations with Cuba in January 1961 and financed and trained the mercenary troops that invaded our territory at the Bay of Pigs in April the same year.

When President John F. Kennedy imposed the blockade on Cuba on 3 February 1962, he was simply legalizing a practice that had been emerging over the previous three years. Since then, and against the global background of confrontation between two blocs, the history of relations between our two countries has been marked by confrontation, sometimes extreme, as in the days of the October 1962 missile crisis, which brought the world to the brink of the nuclear precipice.

Throughout the years, the most diverse and fallacious arguments have been used as a smokescreen to mask the war against our heroic people. The truth is that the blockade is rooted in the expansionist urge that has characterized the United States ever since it emerged as a nation; in the genuinely independent character of our revolutionary process; in the clear-cut measures we have taken for the benefit of the humblest strata of our population; in the morbid determination of United States rulers to impose their will on Cuba; and in the fashioning of a domestic policy that is not always in the best interests of the American people.

The collapse of the Soviet Union led many to believe that the demise of socialism in Cuba was inevitable. The current United States Administration stepped up the blockade. It supported first the Torricelli Act and then the Helms-Burton Act. The prevailing idea was that, although it had failed before, the time had come for the blockade to work in earnest.

The disappearance of the USSR and the socialist camp was certainly a hard blow. Overnight, Cuba was faced with a 75 per cent drop in imports and an almost total loss of markets for its main exports. However, without any external source of financing and in the midst of a strengthened blockade, we began to carve ourselves a place in the world's economy.

We have suffered very severe material limitations. We have endured shortages of food, medicine, electricity, transportation to work, shoes for school and soap to wash or bathe. Life for Cuban families has been hard during the years of this special period. Rarely in history has a nation been put through such a trial. It was only thanks to the fairness of the revolution, our people's capacity for endurance, Fidel's leadership and a broad-based policy of permanent consultation with the people and consensus that these fatalist augurs have been proven wrong and we have been able to come so far.

There is no doubt that the road ahead is still difficult, very difficult, but no one with any common sense now wonders whether the revolution will collapse or not. Suffice it to mention that, in 1996, the Cuban economy will grow at a rate of about 7 per cent. Although we have resisted and begun to recover, it is easy to imagine the enormous opportunities we would have and the many sufferings our people could be spared were it not for the hurdles imposed by the blockade.

The term "embargo" is a euphemism. Under the blockade, Cuba is denied access to the United States market, the biggest and most important in the world, to the international financial institutions or to the current sources of financing available in developed countries. We are forced to use short-term commercial loans, not only as working capital but also for investment and development: the interest rates for these loans are substantially higher than those available on the world market. We cannot carry out transactions directly in United States dollars and Cuban entities are not allowed to use dollar bank accounts, which leads to additional costs.

In terms of opportunity, prices and interest, our status as a country under blockade and siege forces us to trade at the greatest disadvantage. Cuba cannot buy any medicine in or from subsidiaries of the United States, even when it could save a life. Third countries cannot sell any product containing Cuban elements on the United States market, nor can we purchase anywhere in the world a product, more than 20 per cent of whose total value is represented by contents originating in the United States. It is impossible for us to participate in the preferential price agreements that most sugar-producing countries enjoy. We must sell our sugar below the world market price as we cannot trade it on the New York Exchange.

Freight costs increase appreciably as a result of more distant markets and because a ship calling on our country must wait six months before it may go to the United States.

We are denied access to American technology — as is the case with nuclear technology — and sometimes cannot even have access to that of other developed countries.

Economic espionage is practised against Cuba to hamper our trade operations and prevent the rescheduling of our foreign debt. Over 200 radio hours per day are beamed into Cuba to slander its Government and authorities and to stir up disobedience and terrorism.

While American aircraft use our corridors, our aircraft cannot use the United States international air corridors, so that they have to take roundabout routes, thereby increasing their operating costs.

American ambassadors and other officials put pressure on and require individuals, institutions and Governments and require them to refrain from investing in or trading with Cuba. This persecution has become a priority on the diplomatic agendas of its embassies throughout the world.

Because of the blockade, the Cuban people are barred from normalizing relations with the Cuban community in the United States, despite all the steps we have taken and will continue to take.

Direct flights between our two countries are banned, and we are deprived of hundreds of thousands of American tourists who, given our conditions and proximity, would otherwise travel to our country.

Armed groups that plan and execute terrorist acts against Cuba are trained in the United States. Thieves and murderers — such as the perpetrators of the Barbados sabotage who blew up a Cubana Airlines plane with 73 persons aboard in mid-air — freely walk the streets in Florida.

I could go on, but it would not be possible for me to describe the full scope of American aggression against Cuba within the limited time I have at this rostrum.

This criminal policy, which has already lasted over a third of a century, has inflicted damage on us in excess of $60 billion, five times the external debt of our country. While the blockade has always been the orphan of reason, today it even lacks pretexts.

What can possibly justify the continuation of that policy today if, according to the presidential decree issued by President Kennedy, the blockade was originally imposed under the authority of the Trading with the Enemy Act, in the context of the confrontation with the Soviet Union and the other socialist countries? Where is the enemy? Where is the Union of Soviet Socialist Republics? Where is the socialist bloc?

How can a continued, open state of war against our country be explained if the cold war has been over for five years? How can this constant and stubborn warmongering attitude be justified if the Pentagon itself agrees that Cuba is not a threat to American national security? What are the pretexts used today?

Blaming Cuba because American companies have not received compensation for the nationalizations that took place at the triumph of the revolution has no foundation. The proof of this is that all other parties affected have been or are being compensated, as can be attested to by France, Switzerland, Canada, the United Kingdom and other States.

It is also well known that at the end of the Second World War, the United States concluded compensation agreements with several of the then socialist countries; however, it refused, and continues to refuse, to reach agreements with Cuba.

Legalizing the right of Cuban-Americans to file claims in United States courts for alleged properties nationalized more than 30 years ago mocks international law, the United States Supreme Court — which in 1964 ruled that those nationalizations were legal — and the constitutional principle that all citizens are equal before the law.

Would not American citizens of Russian origin, for instance, also have the same right with respect to their properties confiscated after the Bolshevik revolution?

Accusing Cuba of human rights violations is an unprecedented affront that we denounce here with our heads held high. One hundred per cent of the Cuban population has access to free health care services. We have one doctor for every 193 inhabitants, and one nurse for every 142 inhabitants. More than 23,000 Cuban doctors have served in 45 countries around the world.

Our infant mortality rate is 8 for every 1000 live births. If Latin America had Cuba's current infant mortality rate, 500,000 children would be saved each year who never have any human rights now but die a few months after birth. And Cuba is not a rich country; it is a poor country, under blockade.

Access to all levels of education is free in Cuba. Illiteracy is non-existent, education is universal up to the sixth grade, and 50 per cent of the Cuban work force has at least a high school education. We have one teacher for every 42 inhabitants, and not one is unemployed.

Two hundred million of the world's children sleep in the streets today; none of them is Cuban. One hundred million children under the age of 13 are forced to work to survive; none of them is Cuban. Over a million children are forced into child prostitution, and tens of thousands have been the victims of the trade in human organs; none of them is Cuban. Twenty-five thousand children die every day in the world from measles, malaria, diphtheria, pneumonia and malnutrition; again, none of them is Cuban.

In barely 24 hours the World Food Summit will open in Rome. More than 35,000 persons in the world will die from starvation between today and tomorrow. Blockades should not be applied against a small sovereign country. They should be applied against hunger, selfishness, ignorance and apathy in the face of the world's problems.

Not one person has disappeared and there has not been one single case of torture in Cuba in over 36 years of revolution; nor has there been a single case of political assassination. Death squads are unknown in our country. Racial discrimination can barely be remembered.

Neither drug trafficking, organized crime nor terrorism exist in Cuba. Rulers in Cuba do not steal the nation's money. No-one is sentenced without a trial and the legal rights of all citizens are guaranteed on an equal footing. We have, and this is the absolute truth, a clean human rights record.

We are also accused by the United States of having a one-party political system and of not being democratic. There is much we could say here if we compare the true exercise of democracy in the world. However, we do not claim to be the sole possessors of the truth, let alone criticize anyone. We simply defend our right to choose our own path. The world is very complex and difficult. It is absurd and inappropriate to have a single model imposed like a straitjacket on all nations, under any circumstances, and in disregard for their economic and social development, history and culture. The one-party system cannot be the cause of the blockade because Cuba is not the only country with a single party. What is more, there are Governments in the world where a monarchy is in power, without any party or constitution, but they are not blockaded, nor should they be, and quite the opposite, they are close allies of the United States.

Accusations are levelled at us because we sentence members of small counter-revolutionary groups, financed and organized by a foreign power that attacks the nation, though only in cases of violations of the country's laws. It is true, we acknowledge that we do so, and it cannot be otherwise, because our people are ready to defend their independence and their achievements at all costs. No one can force a country to live under siege and require it to govern its affairs as if it belonged in the happiest and most peaceful of all worlds.

Some tell us that we should change in order to solve this conflict, but the terms "blockade" and "changes" are opposites that contradict one another. Throughout its history, Cuba has given ample proof that it has too much self-respect to be influenced by pressures in matters that are solely the responsibility of its own people. We are not against change, but against the embargo, which prevents us from introducing all the changes we would like to make to improve our socialist society.

Cuba has no offensive weapons or nuclear missiles. Our weapons are our example and our morale and those have never been nor could ever be blockaded. Cuba has no military bases on United States territory; it is the United States that keeps a military base in the Cuban territory against the wish of our country. Cuba has not blockaded the United States; it is the United States that has blockaded and waged an economic and political war on Cuba.

Demands must be made of the aggressor, not of the victim. There is no reason at all to blockade Cuba. No one has the right to impose an embargo, and the United States lacks the moral authority to call on others to respect human rights when it is so far from serving as a model in this field. The United States ranks among the countries with the highest rates of violence and terrorism. Unfortunately, the tragic events in Oklahoma City were a product of United States society. In becoming the main drug consumption market, the United States has created a terrible and uncontrollable problem for its own society and for the underdeveloped nations that produce and supply the drugs. Infant mortality in the United States is twice as high among black children as among white children.

The presidential elections that have just been held cost $800 million, three times as much as in 1992, and registered the lowest voting turnout in the past 72 years of electoral history. In the United States, over $700 million are spent every day on the military to defend the country against no one know whom. By 1997, these expenditures will be 54 times the budget for technical assistance of all the United Nations funds and programmes combined. Such squandering is an insult to the more than 800 million people in the world who have nothing to eat, the more than 1 billion adults who are illiterate and the more than 1.5 billion human beings who have no access to health services.

The most aggressive racism and xenophobia, the most rampant consumerism, increasing inequality, attacks on social security and the discrediting of institutions are some of the evils present in United States society today. How can the United States even think of governing the world when it is faced with so many difficulties in governing itself? The international community may admire a country for its multiethnic composition, its technological breakthroughs, its enterprising spirit, its progress in art, science and sports, but the world will never accept a country as a leader because of its nuclear arsenals, its arrogance, its extraterritorial legislation and its unilateral sanctions.

The Cuban people are the main victims of the embargo and we Cubans who have to endure it know that very well. However, this aberrant policy also affects the people of the United States and violates their human rights. United States citizens cannot understand that they are banned from travelling to Cuba, that they are liable under law to pay fines of up to $250,000 for exercising that constitutional right, and that their compatriots are being beaten for trying to donate computers to the Cuban health care system.

In 1995 and 1996, coinciding with the period when the Helms-Burton Act was being debated and approved, over 400 new brands of United States products were registered in Cuba and more than 300 United States businessmen visited Cuba. Many United States companies are now establishing indirect links with Cuba, and their number will continue to grow as an inevitable result of economic globalization. The United States companies, whether or not they had properties in Cuba, are as a rule more interested in doing business than in being used as a pretext for an ever-growing policy of hostility and confrontation.

The United States is very concerned about emigration. Economic motivations have long been the essential cause behind Cuban emigration. As long as the blockade persists, it will continue, against our will and despite all the measures we take, to encourage uncontrolled emigration to the United States. The new wall that is being erected on the Mexican border, several times as large as the demolished Berlin wall, cannot be built in the waters of the Caribbean.

The peoples of Cuba and the United States are not the protagonists, but rather the victims, of this policy frozen in the past and now ripe for change. It is inconceivable that in the United States an alienated ultra-right wing allied with a fascist minority of the Cuban emigrant community should dictate the policy to be pursued with regard to Cuba, and that such a policy is complied with even though it is against the interests of the people of the United States itself and of the international community.

A President of the United States should not be held hostage by the policies of his enemies.

Recently, there has been talk in this country of building a bridge to the twenty-first century. How can a bridge be built to the future if it is not possible to lay a much shorter bridge, just 90 miles long, over which peace in this hemisphere can cross? How can cruising the Internet be contemplated, yet travel to Cuba banned?

We reaffirm Cuba's readiness to discuss any issue with the United States. We require no precondition other than an absolute respect for our indefeasible right to freedom and sovereignty. The Cuban revolution has provided more than enough proof of its honourable conduct and responsibility with respect to its compliance with international commitments. If any country is well aware of this fact, it is the United States.

Cuba resolved the problem of aircraft hijacking — a weapon designed to be used against us. Cuba provided compensation for its nationalization programme to former owners who were supported by their Governments. Cuba honoured, minute by minute, the agreements that led to peace in southern African. Cuba is meticulously fulfilling its migration agreements. Cuba is cooperating when necessary with the United States authorities in the fight against drug trafficking, despite the absence of any agreements in this respect.

The United States has re-established diplomatic relations with Viet Nam. Trade between the two nations is increasing every year. To the satisfaction of all, a past in which 58,000 American nationals and 3.4 million Vietnamese were killed has been overcome. Today, several of those responsible for the Viet Nam war have acknowledged, both in private and in public, that it was a mistake — that they were "wrong, terribly wrong".

Will it take 20 years before the current President of the United States, or one of his colleagues, writes in his memoirs that maintaining the blockade was a mistake — a "terrible mistake" — of his Administration? If putting things right calls for wisdom, rectifying a policy that is so irrational, cruel and, furthermore, doomed to failure, is an endeavour that requires honesty and courage — especially in a country of such complexity and in which so many interests are involved. It does not require pretexts or appearances to change a policy, but determination and courage.

John F. Kennedy was President during the Bay of Pigs invasion, the imposition of the blockade and the October missile crisis. It is no secret to anyone that, days before his unexpected death, Kennedy was questioning the policy of confrontation with our country, and that on 22 November 1963, the day on which he was assassinated, a French journalist was discussing the issue with Fidel Castro on his behalf. The shameful and tragic assassination in Dallas cut short that plan.

During the Carter Administration, interests sections were opened in both capitals, the United States eased some of the Cuban travel restrictions on United States citizens and various agreements were reached. We are well aware that the foreign policy of the world's most powerful country is not governed by reason or justice — at least in periods before elections. In these election contests, what are sought are not ideas to make the nation greater, but votes to win the election. We know that that is reality, although we reject it out of basic ethical considerations. Electoral tensions have already come to an end in this country in which we are meeting. President William Clinton has been re-elected, and another Democratic Administration has begun its term. We believe that the time has also come for a new United States policy towards Cuba.

Cuba reiterates its desire to maintain normal relations with all the countries in the world, including the United States. But if, despite this mass of political truth, United States policy continues to be determined by electoral considerations or petty domestic policy interests, and our country continues to be threatened, blockaded and harassed; if hunger continues to be used to bend a nation whose only crime is its desire to live in freedom and independence and implement all the social justice that is possible in this world; if the international clamour for an end to such a monstrous crime continues to go unheeded; then history will show that the dignity of a people is stronger than the entire power of an empire. The honour of a nation, however small, can never be blockaded.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): The item we are now considering bears on the purposes and principles of the Charter of the United Nations. The General Assembly has already adopted a number of resolutions, reaffirming such established norms governing international relations as respect for state sovereignty and non-interference in the internal affairs of others, and urging the countries concerned to fulfil the obligations set out in the Charter. Regrettably, however, the United States, turning a deaf ear to the just demands of the international community, is continuing, and further intensifying, the blockade and sanctions that it has imposed on Cuba for over 30 years. This has not only brought difficulties for Cuba's economic and social development, seriously hurting the Cuban people, especially the health and well-being of the women and children in that country, but has also affected the normal trade and economic exchanges of many countries with Cuba, seriously undermining their legitimate interests. Like many other delegations, the Chinese delegation cannot but express its deep concern and regret over this situation.

It is the right of the people of every country to choose their own social system and mode of development in the light of their specific national circumstances. This right should be respected by the international community. Differences and problems existing between States should be settled through dialogue and negotiation based on equality. It is an expression of power politics wilfully to resort to embargoes, blockades and sanctions, to exert

pressure on other sovereign States and to interfere in the internal affairs of others in disregard of their legitimate rights and interests. It constitutes a violation of the basic norms governing international relations and, instead of facilitating the settlement of disputes, will only further intensify contradictions.

We call on the United States to changes its course of action in this regard by renouncing the practice of interfering in the internal affairs and infringing upon the interests of other countries, putting an immediate end to the economic, commercial and financial embargo against Cuba. Dialogue and negotiations aimed at achieving a settlement of disputes on the basis of equality and mutual respect for sovereignty should be started instead.

Mr. Tello (Mexico) (*interpretation from Spanish*): For the past four years, the General Assembly has called on Member States to refrain from promulgating and applying laws and measures whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation.

Unfortunately, up to now the facts have been different. The Minister for Foreign Affairs of my country, Angel Gurría, noted in his statement during the recent general debate that

> "we view with growing concern the fact that, in supposed support of freedom and democracy, action is being taken in the opposite direction through the adoption of laws in the field of trade — the nerve centre of contemporary progress — that are extraterritorial in scope and in compiete disagreement with the fundamental principles of international law". (Official Records of the General Assembly, Fifty-first Session, Plenary Meetings, 13th meeting, p. 14)

Let me underscore one again the opinion of the Inter-American Juridical Committee of the Organization of American States, which is reproduced in document A/51/394 and which contains a valuable study and findings on the so-called Helms-Burton Act. It concludes unequivocally that the bases and application of this legislation are not in conformity with international law.

In accordance with the principles of its foreign policy and its adherence to the norms of international law, Mexico has neither promulgated nor applies legislative provisions which are extraterritorial in scope. Furthermore, my country has consistently rejected the use of coercive measures as a means of pressure in international relations.

Mexico reiterates its decision to establish, in the unrestricted exercise of its sovereignty, commercial and political ties with any country it deems fit. In that context, the Act for the Protection of Commerce and Investment against Foreign Rules Contravening International Law entered into force in my country on October 22. Following the example of other countries, this legislative measure is meant to counteract the extraterritorial effects of laws of third States.

Furthermore, Mexico reaffirms that, in strict accordance with the principles of international law governing relations among States, only Cuba, in the exercise of its inalienable rights, can determine as a free, sovereign and independent State its own political, social and economic system.

The application of unilateral measures that ignore the growing negative opinion of the international community cannot constitute a solid foundation for a peaceful and secure coexistence, ruled by law. On the contrary, they only disturb the climate of tolerance and understanding that we would wish to see in relations among States.

We cannot remain indifferent to the growing health and nutritional problems facing the Cuban people, which are recorded in the report of the Secretary-General on this subject.

Mexico remains convinced that the embargo against Cuba must be lifted. In the statement I referred to, the Minister for Foreign Affairs of Mexico noted that

> "it is neither by means of blockades or exclusions, nor by the application of sanctions on third countries that democracy and human rights can be promoted. Dialogue, inclusion in multilateral forums, trade, investment and the exchange of information and persons have always proven to be the best way to disseminate the values we all share". (*ibid.*, p. 14)

We are convinced that the time to build bridges has come.

For all the reasons stated above, the delegation of Mexico will vote in favour of the draft resolution now under consideration.

Mr. Kittikhoun (Lao People's Democratic Republic) (*interpretation from French*): It is distressing that this year again — for the fifth year, in fact — our Assembly must again address the issue of the "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". This embargo continues and has been strengthened, and it is even having an extraterritorial impact without precedent in the history of international trade relations. Given the difficult relation between these two countries, this is without a doubt a thorny and extremely complex issue. Nevertheless, it is important to understand that the world can hardly continue indefinitely to witness a situation in which an entire people, which has already suffered so much, goes on suffering from this embargo. The entire international community is called upon to do its utmost to help resolve this issue as quickly as possible.

This embargo, which is more than 30 years old, is unjustified. It undermines the sovereignty of other States and the freedom of trade and navigation, and it clearly has no place in this new age when international economic cooperation is in the forefront. Rather than seeking ways and means to assist developing countries to become part of the liberalized and globalized world economy, we find ourselves here having to discuss an economic embargo decreed by a developed nation against a developing country.

This is a painful exercise which, in the final analysis, is in the interest of neither party. In the view of our delegation, it is high time to end this kind of exercise and to find a solution acceptable to the two countries. For its part, the delegation of the Lao People's Democratic Republic will spare no effort to contribute positively to this noble attempt to untangle the problem.

Like all other peoples of the world, the Cuban people aspires only to live in peace and thereby to enjoy international economic and commercial cooperation. We do not believe that a people — an entire people — should be punished for an indefinite duration and for reasons that are far from being justified or clear. It would be unfair for the Cuban people to be condemned to continue to live under this embargo and to endure such a difficult situation.

For all these reasons, we appeal to both parties — the Republic of Cuba and the United States of America — to show common sense and to undertake serious negotiations to resolve this problem as soon as possible. This would contribute to keeping the peace and to restoring trust between the peoples of this region and of the world.

Mrs. Ramírez (Colombia) (*interpretation from Spanish*): One year ago, when we considered this item, many delegations echoed the appeal made in the resolution on the necessity of ending the economic, commercial and financial embargo imposed against Cuba. We also expressed our concern over the fact that measures were under consideration that would further exacerbate the situation.

Today, we must regret not only that this appeal, which has been made by the General Assembly for several years now, has not been heeded, but that the measures intended to curtail Cuba's legitimate right to free trade and to the sovereign conduct of its economic relations are being considered for extension to other nations. As a result of this, the position of the international community today is not just one of solidarity with one nation, but has turned to widespread alarm regarding behaviour that adversely affects the members of the international economic system, which, in this era of globalization, includes all countries.

My country has always been firm in its rejection of any action or provision that contravenes the Charter of the United Nations and the principles of international law, especially that of non-interference in the internal affairs of States. We further believe that, at a time when free access to the international market is so vital to the development opportunities of peoples, it is essential for all nations — particularly those that receive the greatest benefits from globalization — to adhere to the principles of freedom of international navigation and trade.

For this reason, we cannot but regret measures such as those contained in the legislation known as the Helms-Burton Act. Any promulgation of provisions intended to pressure other States, particularly developing States, or attempt to apply rules of domestic law extraterritorially is not only incompatible with international law, but is also part of the new generation of unilateral actions that is one of the most disturbing trends on the world stage today. Such actions are guided by domestic political interests and therefore introduce elements that are incompatible with the overall purpose of achieving a more constructive framework for relations among States.

Actions taken by Member countries of the United Nations must be in line with the principles of the Charter and should be taken through dialogue, the correct mechanism for resolving differences among States. Only through strict respect for international law will it be

possible to attain legitimately the common ideals of the international community.

The Non-Aligned Movement attaches great importance to the issue of unilateral actions and emphatically rejects them. For this reason, it has expressed support in several statements for the principles contained in resolutions adopted by the General Assembly at previous sessions on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

The Eleventh Conference of Heads of State or Government of the Movement of Non-Aligned Countries reiterated the position of the Movement on this issue. The Declaration of Cartagena states that:

> "The Heads of State or Government called upon the Government of the United States of America to put an end to the economic, commercial and financial measures and actions against Cuba which, in addition to being unilateral and contrary to the United Nations Charter and international law, and to the principle of neighbourliness, cause huge material losses and economic damage. They called upon the United States of America to settle its differences with Cuba through negotiations on the basis of equality and mutual respect, and requested strict compliance with resolutions 47/19, 48/16 and 49/9 of the General Assembly of the United Nations. They expressed deep concern about new legislation presented to the Congress of the United States that would intensify the embargo against Cuba and widen its extraterritorial nature." *(A/50/752, para. 183)*

It continues:

> "The Heads of State or Government condemned the fact that certain countries, using their predominant position in the world economy, continue to intensify the adoption of unilateral coercive measures against developing countries, which are in clear contradiction with international law, such as trade restrictions, blockades, embargoes and freezing of assets with the purpose of preventing these countries from exercising their right to fully determine their political, economic and social system and freely expand their international trade. They deemed such measures unacceptable and called for their immediate cessation." *(ibid., para. 237)*

Mr. Mabilangan (Philippines), Vice-President, took the Chair.

For their part the Heads of State or Government of the Rio Group member States, meeting recently at Cochabamba, Bolivia, made the following announcement regarding this issue:

> "We reject any attempt to impose unilateral sanctions of an extraterritorial nature in application of a country's domestic law, as this contravenes the rules governing the coexistence of States and ignores the basic principle of respect for sovereignty, in addition to constituting a violation of international law.
>
> "We therefore reaffirm our vigorous rejection of the so-called Helms-Burton Act and, in that connection, stress the importance of the unanimous view expressed by the Inter-American Juridical Committee of the Organization of American States, which we endorse, to the effect that the bases and the prospective enforcement of that Act are inconsistent with international law." *(A/51/375, annex, p. 4)*

My delegation wishes also to express its concern over the grave humanitarian consequences of these measures on the Cuban people. The effects of these measures on Cuba's ability to resolve its external-debt problem and, in general, to make progress towards achieving a more open and prosperous economy are also cause for special concern.

I therefore wish to express Colombia's support for the draft resolution before us, based on our commitment to the principle of respect for international law and to help promote freer, more vigorous and more transparent international trade allowing developing countries to strive for economic and social development. As we stated at the last session of the General Assembly in considering this agenda item, the exercise of free trade and the opportunities derived from it may help put an end to the exercise of many privileges.

We therefore reiterate our appeal for dialogue and negotiation to be the instruments used to resolve the differences existing between the United States and Cuba.

Mr. Mwakawago (United Republic of Tanzania): First of all, I would like to express my delegation's appreciation for the Secretary-General's report, contained

in document A/51/355 dated 13 September 1996, concerning agenda item 27, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

As in previous years, the report now being considered by the General Assembly reproduces replies from Governments, organs and agencies of the United Nations system with regard to agenda item 27. In my delegation's view, it is not a coincidence that all of the 59 responses from Governments and the other reports received from organs and agencies of the United Nations system are in full compliance with the contents of the relevant General Assembly resolution 50/10 of 2 November 1995.

As the Assembly is aware, resolution 50/10 took action for the fourth consecutive year on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba. Therefore, by adopting the resolution Member States once again reaffirmed their commitment to the purposes and principles enshrined in the Charter of the United Nations in general and the principles and norms of international law in particular. It will also be recalled that General Assembly resolutions 47/19 of 24 November 1992, 48/16 of 3 November 1993, and 49/9 of 26 October 1994 all emphasized the need to end the United States embargo on Cuba.

However, despite the adoption of the resolutions referred to above by my delegation, which, it will be recalled, were adopted by an overwhelming majority, there has been no progress towards ending the United States embargo on Cuba. This situation is of grave concern to my delegation.

My delegation remains equally gravely concerned by the recent promulgation and application of the Helms-Burton Act by the United States of America, an Act whose extraterritorial aspects affect the sovereignty of other States, their respective national interests notwithstanding. No doubt the Helms-Burton Act is aimed at strengthening and internationalizing the United States blockade against Cuba — a blockade that has been in force for more than three decades now.

Such an exercise, by all standards, is relatively excessive, and as a matter of fact is contrary to the principles of international law and understanding, as it propagates and justifies the extraterritorial jurisdiction of one State over another.

The Helms-Burton Act does not affect only Cuba. It also establishes sanctions of various types against countries that trade with and/or invest in Cuba. In all fairness, this attempt by a State to compel citizens of a third State to obey the legislation of another State is in complete violation of the principles and norms of international law and what it stands for. In my delegation's view, that law, which has been rejected worldwide, is not helpful for creating conditions that can lead to easing tensions between the two countries. On the contrary, it is contributing to worsening the situation.

Tanzania enjoys very friendly relations with both the United States of America and Cuba and therefore remains hopeful that the differences between the two neighbouring countries will be resolved in an amicable way through bilateral negotiations, as demonstrated in the past.

It is against this backdrop that Tanzania supports and will vote in favour of the draft resolution before the Assembly.

Mr. Sengwe (Zimbabwe): My delegation would like to associate itself with the statement made by the representative of Colombia on behalf of the Movement of Non-Aligned Countries.

The Assembly is meeting for the fifth consecutive year to consider the item before us. It is also the fifth year in which the Government of Cuba is appealing to the international community to assist in ending this abominable embargo, which is deliberately designed to strangle its economy. My Government is dismayed that we have no solutions to offer the Cuban people today, but are here to take action on the same draft resolution yet again.

My delegation has on numerous occasions called for an end to the embargo that has crippled the Cuban economy and, as members heard from the Secretary of the Council of Ministers of Cuba, cruelly endangered the lives of many innocent people, including children, the sick and the elderly, who have had to bear the brunt of untold suffering. In this post-cold-war era, in which adherence to the basic norms of international law and of peaceful coexistence among sovereign and independent nations is being preached, is it not ironic that we are grappling with the most basic breach of these norms?

What has become even more disturbing in recent years is the extraterritorial character and impact of the blockade. One powerful country continues to enact

legislation that borders on interference with sovereign States' freedom of international trade and navigation. It is wrong for one Member State to assign itself the role of international policeman by taking a course of action that is the responsibility of the United Nations. Since the United Nations has not seen fit or necessary to take such action against Cuba, all countries should be able fully to enjoy their economic, commercial and financial transactions with Cuba. The mere fact that one country stands isolated on this matter should be a clear indication that the international community will no longer tolerate such interference.

It is our firm conviction that no one country has the right to present a form of governance to any given people. It is the democratic right of that people to make their own choice. We, like other Non-Aligned Movement member States, are guided by the Movement's declaration on the occasion of its 35th anniversary, on 24 September 1996, which called on the

> "international community to resist all new modalities of intervention, economic coercion and other measures of extraterritorial character".

It is also in the light of these developments that my delegation fervently hopes that constructive dialogue will take the place of the adversity that exists between the two countries, in the spirit of the post-cold-war openness to dialogue.

My delegation will take its consistent position of voting in favour of the draft resolution.

Mr. Andjaba (Namibia): My delegation fully supports the statement made by the representative of Colombia on behalf of the Movement of Non-Aligned Countries.

Since 1992, the General Assembly has adopted resolutions on the "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". Resolution 50/10, among others, reiterates this call. It is therefore with concern that my delegation notes the promulgation of yet another law, the Helms-Burton Act, which not only strengthens the existing blockade but gives it an international character. We are disheartened that not a single measure has been taken towards breaking through the wall of deprivation and isolation that has surrounded Cuba for so long.

The Helms-Burton Act is a blatant violation of the sovereignty of States, a serious breach of the principles of the Charter of the United Nations, international law and freedom of trade and navigation, and is a violation of the rules of the international trade system. It can have no place in an increasingly globalized and liberalized economic system.

Furthermore, the broad response from States Members of the United Nations on the implementation of resolution 50/10 of 2 November 1995, contained in document A/51/355, accentuates, among other things, the invalidity of the application of measures with extraterritorial effects. Suffice it to mention also that the Movement of Non-Aligned Countries and the Group of 77 and China, of which Namibia is a proud member, have rejected the Helms-Burton Act.

The Helms-Burton Act, among other things, penalizes third-country companies trafficking in nationalized United States properties, as well as their executives and families. The law provides for the withholding of United States contributions to international financial organizations that render assistance to Cuba and sanctions Governments depending on their type of economic and trade relations with Cuba. Furthermore, the objectives of some provisions are aimed directly against foreign investment in Cuba, which has been experiencing positive signs as a result of policy reform to attract foreign capital into Cuba.

The Helms-Burton Act also calls for an annual report that would describe all bilateral assistance provided to Cuba by other countries, including humanitarian assistance; Cuban debt to third countries, as well as the amount exchanged, forgiven or reduced; identification of Cuban trading partners; and a description of the joint ventures completed or under consideration by foreign nationals and business firms.

How can we welcome the opportunities stemming from the newly established World Trade Organization when we are limiting freedom of trade?

The adverse effects on the population of Cuba cannot be over-emphasized. We note with concern the response by the United Nations Children's Fund (UNICEF) contained in document A/51/355. The high levels of education and health enjoyed by children, women and local communities are being jeopardized by the shortage of medical and other related materials. We would, however, commend the Government and people of Cuba for having ensured that, notwithstanding the blockade, Cuba still has the lowest infant mortality rate in Latin America and the Caribbean region — 8 per 1,000

live births. How much could be achieved when the blockade is finally lifted?

It is in this context that we welcome the United Nations system's attempts and efforts to minimize the adverse effects of this long-standing embargo by, among other things, lessening the isolation of Cuba resulting from the blockade and by supporting the consolidation of social sectors such as education, health, food security, water and sanitation. Thus, Namibia hopes that the donor conference held in Havana to mobilize support for the water and sanitation sector will contribute to the provision of those services. In this regard, we call on Member States to support the activities of the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Industrial Development Organization (UNIDO).

It is commendable that, despite the blockade, Cuba has not failed to extend a hand of friendship and solidarity to others most in need. We refer here to the assistance we received from the Government of Cuba during the difficult years of our struggle for self-determination and national independence. Today, we have hundreds of doctors, engineers and other professionals who have been educated and trained in Cuba and who are successfully contributing to our national reconstruction process.

Time and again, and from this very rostrum, Namibia has reiterated the need to end the blockade against Cuba. In his address to the forty-eighth session of the United Nations General Assembly, the Foreign Minister of Namibia, the Honourable Theo-Ben Gurirab, stated that Namibia was very much encouraged by the conclusion of an agreement between the Government of the Republic of Cuba and the United States of America on immigration issues. We hoped then that the signing of that agreement would serve as the beginning of serious negotiations to resolve all aspects of the long-standing dispute between them in the interest of peace, trade, development and good neighbourliness. Since then, Namibia has repeatedly made that same plea. Needless to say, the Helms-Burton Act has dampened our hopes.

Namibia enjoys excellent, friendly relations with both countries. It is in this spirit that we shall continue to advocate rapprochement between Cuba and the United States of America. It is in this context that Namibia will vote in favour of the draft resolution (A/51/L.15).

As we enter a new millennium, the necessity of ending the United States economic, commercial and financial blockade against Cuba becomes imperative. Just as we pledged during the commemoration of the fiftieth anniversary of the United Nations to give to the twenty-first century a United Nations equipped to serve effectively the peoples in whose name it was established, so too must we ensure that no one is left behind in deliberate suffering and deprivation. Together, we owe the children of Cuba a happy childhood. The lifting of the blockade will provide just that. Do it for their sake.

The Acting President: Before giving the floor to the next speaker, unless I hear any objection, I should like to propose that the list of speakers in the debate on this item now be closed.

It was so decided.

Mr. Gumbi (South Africa): South Africa wishes to register its gratitude for this opportunity to articulate once more its views on the necessity of ending the economic, commercial and financial embargo by the United States of America against Cuba.

South Africa is a sovereign and independent State and as such, since 1994, it has established diplomatic and economic relations with many countries, including Cuba. It is therefore natural that the South African business community, like its counterparts in other countries in the world, is nurturing trade and joint ventures with Cuba.

The economic embargo against Cuba is a product of the cold war and is a painful reminder of the continuous suffering of innocent men, women and children because of this policy. In the aftermath of the cold war era, Member States should strive to expend their energies in encouraging and promoting policies of good neighbourliness and of free and unhindered engagement in the global economy.

South Africa adheres to the principles enshrined in the Charter of the United Nations and ascribes, among other principles, to the sovereign equality of States, non-intervention and non-interference in their internal affairs, and freedom of international trade and navigation.

In maintaining and upholding the friendly, diplomatic and economic relations which South Africa has with Cuba, we do not wish to subscribe to or entertain laws, regulations or measures that would affect the sovereignty of other States and the legitimate interests of

entities or persons under their jurisdiction, as well as the freedom of trade and navigation. In this regard, South Africa opposes the extraterritorial application of national laws beyond the borders of any sovereign State.

South Africa wishes to express concern about the additional measures aimed at strengthening and extending the embargo not only against Cuba but also against third States and their nationals who conduct or intend to conduct business with Cuba. In our view, measures such as the Helms-Burton Act fly not only in the face of the principles of the Charter of the United Nations, international law and the freedom of trade and navigation, but also violate the rules of the multilateral trading system.

In conclusion, South Africa hopes that a process of amicable, open and constructive dialogue between the relevant parties will necessitate the removal of this relic of cold war days from the agenda of the General Assembly in due course.

Ms. Durrant (Jamaica): The agenda item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" is once again before the General Assembly for consideration.

In his statement during the recent general debate, the Deputy Prime Minister and Minister for Foreign Affairs of Jamaica, the Honourable Seymour Mullings, recalled the commitment of the countries of the Caribbean to maintaining a climate free of tension and confrontation in our region. He further stated that

> "We seek the normalization of relations, which will reduce the atmosphere of uncertainty and the dangers of confrontation in the region. We seek this in an atmosphere of respect for sovereign rights and a commitment to the peaceful settlement of disputes. We reject the extraterritorial application of national legislation, which is inconsistent with international law." *(Official Records of the General Assembly, Fifty-first Session, Plenary Meetings, 17th meeting, p. 16)*

In this regard, Jamaica continues to hope that the parties most directly involved will find a way to resolve the problems which the draft resolution before us seeks to address. Jamaica will therefore vote in favour of the draft resolution contained in document A/51/L.15.

Mr. Pham Quang Vinh (Viet Nam): Again this year — for the fifth consecutive year — the General Assembly is considering the agenda item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

At the heart of the consideration of this agenda item is a question of principle: the question of upholding the purposes and principles enshrined in the Charter of the United Nations. Among the most important principles that guide this Organization and govern international relations are the principles of the sovereign equality of States, non-intervention and non-interference in their internal affairs, and the peaceful settlement of disputes. States, large or small, are all thus equally endowed with the inherent right to self-determination and independence, being free to choose the path of their development and to determine their future and destiny.

Last year the General Assembly, by resolution 50/10, further reaffirmed last year those most fundamental principles, as it had done in its previous resolutions adopted under this agenda item. It rejected the continued and strengthened economic, commercial and financial embargo against Cuba. It expressed concern at the nature of this embargo, which extends national laws and regulations extraterritorially and affects the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation.

Worldwide solidarity and sympathy have been extended to Cuba and the Cuban people, who are undergoing serious hardships as a result of the embargo.

The consideration of this agenda item concerns not only the single case in point. For the United Nations and the international community, the rejection of the embargo has wider scope and international significance. A clear message is that no embargo of this kind should ever be allowed to be imposed on any State because it violates the Charter of the United Nations and international law.

Grave concerns have been expressed that despite the worldwide call for an end to the economic, commercial and financial embargo against Cuba, this embargo not only continues but has been further strengthened and extended since the Helms-Burton Act was promulgated in March this year. The tightened measures under this Act have caused further difficulties in the daily life of the Cuban people and in their economic development, and

have sought to impede the normal trade relations of other countries with Cuba. A great number of countries, including Viet Nam, have expressed their views on this question in their responses to resolution 50/10, as contained in the report of the Secretary-General (A/51/355 and Add.1).

Viet Nam shares the conviction that extraterritorial laws and regulations not only run counter to the principles of international law, especially the respect of the sovereignty of States, but also adversely affect the freedom of trade and navigation and the promotion of good relations among States for cooperation and development on the basis of sovereign equality and non-discrimination.

We join the call for the immediate end to the long-imposed embargo against Cuba and continue to believe that differences and disputes between countries should be settled through dialogue and negotiations. We appreciate and call further for continued assistance by the international community and the agencies of the United Nations to the Cuban people. Effective measures should be taken to ensure the implementation of the resolutions of the General Assembly under this item and recommendations to this effect should be included in the next report of the Secretary-General.

We further express our sympathy to the Cuban people. We once again reaffirm our solidarity. We have rendered and will continue to render our support to this country and people in their cause for national development and in building a prosperous country.

Mr. Marrero (United States): The peoples of the western hemisphere may be proud that our region consists almost entirely of free societies, where the power of government flows from the people, not from coercion or the barrel of a gun. Out of 35 nations, 34 have Governments that govern in accordance with the democratic principles referenced in the Charter of the United Nations and spelled out in the Universal Declaration of Human Rights.

Only one nation — Cuba — is ruled by a regime that clings to the discredited, dictatorial habits of the past, ignoring the hopes of its own people, the course of history and internationally recognized standards of human rights. By introducing this draft resolution in the United Nations General Assembly, Cuba has manipulated the concerns of countries around the world to claim support for its reprehensible policies of intolerance and oppression.

The United States has the right — as does every nation — to choose with whom it trades, to protect the property rights of its own citizens, and to pursue its national interests. The Cuban regime withholds fundamental freedoms and human rights from its citizens, for which it has been rightly condemned by this body and by the United Nations Human Rights Commission.

To address these concerns, my Government continues to believe strongly that the embargo provides important leverage to promote peaceful change in Cuba. In addition, our policy towards Cuba also includes the important element of direct support for the Cuban people. This effort is aimed at supporting Cuban human rights organizations, and other non-governmental organizations working to better the lives of average Cubans.

We can and do permit travel to Cuba for research, news-gathering, cultural, educational, religious or human rights purposes. The United States licensed nearly $140 million in humanitarian assistance to Cuba over the past four years, and I can assure you that our efforts to better the lives of the Cuban people will continue.

My Government is committed to pursuing a multilateral approach to promote a peaceful transition to democracy in Cuba. That effort should be the focus of our discussions, not this annual hollow and sterile consideration of this confrontational and groundless agenda item. Let us instead insist upon the need for peaceful democratic change in Cuba now. That is an effort worthy of this chamber.

Mr. Azwai (Libyan Arab Jamahiriya) (*interpretation from Arabic*): The United States of America has imposed an economic, commercial and financial embargo against Cuba for more than 30 years. Since this item was inscribed on the agenda of the General Assembly, the Member States have expressed their positions on it. Many have hoped that the United States would respond to the repeated appeals and lift the embargo against the Cuban people, but the response has been completely different.

Not only have the calls contained in various General Assembly resolutions been ignored, but the embargo has been further tightened and its scope expanded to the extent that its consequences now infringe on the sovereignty of other States that have economic relations with Cuba. This reflects a disrespect for the will of the international community as expressed in several resolutions, the latest of which is resolution 50/10. This position confirms that the United States is persisting in its orientation of dictating to countries of the world specific

types of conduct and the sort of relations that countries establish with each other.

The unilateral anti-Cuban economic legislation has negatively affected the efforts of the Cuban people to achieve economic and social development. The embargo has resulted in higher prices for essential materials, a shortage of medicines, and limited access to components needed for the manufacture of medical supplies, in addition to exclusion from the benefits of technical and scientific advances. The practices that led to all of this are not only a flagrant violation of human rights but an attack on free trade and the respect of the principles of international law and the conventions governing relations among States. It is also another confirmation of a policy based on trying to blockade and starve peoples and extraterritorial conduct that attempts to impose sanctions on persons and companies from other countries to prevent them from dealing with Cuba.

The majority of the members of the international community have expressed their opinions on the economic embargo imposed against Cuba. Regrettably, that embargo, though increasingly criticized by world public opinion, has been tightened. The Helms-Burton bill of last year is now an enforceable Act, pursuant to which various sanctions have been imposed on countries that decide, in exercise of their sovereignty, to cooperate with Cuba or invest in it. The United States has advanced many arguments to justify both the embargo and its tightening, including the claim that Cuba constitutes a threat to international peace and security. This is a flimsy and false argument. The fact is that United States practices towards Cuba can only be explained as interference in the international affairs of that country, the economic suffocation of its people, and an attempt to undermine Cuba's relations with other countries.

The use of embargoes as a means of solving differences among States is unacceptable and has been rejected by the international community on various levels and in different forums. Despite this, the method of imposing sanctions that the United States insists on following in its dealings with Cuba is also applied against other countries, including mine. My country has been subjected for more than a decade to unilateral United States sanctions, including the freezing of assets, barring Libyan students from access to post-graduate studies in United States universities, and preventing American companies from dealing with the Libyan Arab Jamahiriya. The argument advanced here was that Libya threatens United States national security. This is a false and indeed laughable allegation. Libya did not freeze United States money and never blockaded United States coasts or bombed its cities. Moreover, Libya has never hatched any plots against United States administrations or done anything that would jeopardize anybody, let alone the fact that the most powerful country in the world is thousands of miles away from it. Such conduct can only be explained as a punishment of the Libyan people for rejecting the policy of hegemony and the attempts to bring them to their knees and for deciding to live free in their land under the sun.

Sanctions are not the right means and will never be the right way to settle disputes among States. Resorting to them only adds to the suffering of children, women, the elderly and other vulnerable groups in any society, be it in Libya, Cuba or other countries subjected to these sanctions. The international community has devised the best methodology for the settlement of disputes among States, namely dialogue and negotiation. This is the method that the Libyan Arab Jamahiriya has invoked in the settlement of its dispute with the United States. The Cuban Government has also invoked the use of this method to resolve its differences with the United States.

It is not in the interest of Libya, Cuba or any developing country to antagonize the United States for the sake of it. All these countries call for is the settlement of problems by peaceful means as provided for in the Charter of the United Nations and other international norms and conventions. We hope that the United States will respond to this wish and settle its differences with Libya and Cuba and other countries through dialogue because we believe that this is the best way to solve problems. In addition, such a solution would serve the interests of all peoples, whether in the United States, Cuba, Libya or any other country. It would also enhance endeavours to strengthen the basis of constructive international cooperation that can foster relations of cooperation and friendship among States and extend the spirit of confidence and peace of mind to all peoples.

Mr. Wilmot (Ghana): In previous years my delegation has expressed concern about the economic, commercial and financial blockade imposed by the United States of America on Cuba some 35 years ago, which continues to impose hardship on the people of Cuba. Equally disturbing is the fact that, after four successive General Assembly resolutions calling for an end to this blockade, the Torricelli act, adopted by the United States in 1992, has been reinforced by the Helms-Burton Act, which has even more devastating consequences for the innocent people of Cuba. The report of the Secretary-

General (A/51/355) outlines the social and economic effects of the blockade on Cuba — especially on the vulnerable group of children and the aged — including its effects on medical supplies, food and allied products.

In conformity with Charter principle of non-interference in the internal affairs of States, Ghana believes that it is the sovereign right of the people of Cuba to determine their own system of Government and type of socio-economic development. Rather than internal factors being the cause of Cuba's problems, as claimed by the country's adversaries, it is the economic blockade that is the main stumbling block to Cuba's socio-economic development. The very fact of Cuba's continued survival despite so many years of unbridled hostility and blockade testifies to the strength and resilience of that country's political and economic system.

Like so many other States Members of this Organization, Ghana shares the view that the promulgation of domestic laws that have extraterritorial effects is not only inconsistent with the rules and regulations of the World Trade Organization, but is also totally at variance with international law.

With the end of the cold war, all confrontational postures in inter-State relations must give way to cooperation. The Latin American region, like other regions of the world, is currently engaged in cooperative endeavours to strengthen its political and economic institutions. It is therefore the considered view of my country that engaging Cuba in the dynamics of regional cooperation and integration would be a more constructive approach. Accordingly, my delegation expresses the hope that the blockades and mutual exchanges of rhetoric will give way to a new era of dialogue and mutual respect in tune with current trends in international relations.

Mr. Hasan (Iraq) (*interpretation from Arabic*): Since its forty-seventh session, the General Assembly has been considering the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". Every year it has adopted a resolution reaffirming the call on all States to refrain from promulgating laws and regulations the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation.

The international community had expected a positive United States response to its requests contained in several General Assembly resolutions, the most recent being resolution 50/10. Yet the United States moved in the opposite direction. It tightened its economic embargo against Cuba with the promulgation of the Helms-Burton Act, which, in its infringement of the principles of the sovereign equality of States and non-interference in the internal affairs of States, has gone beyond previous United States laws against Cuba.

The latest law includes measures that encroach upon the sovereignty of third countries that deal with the Republic of Cuba. This is inevitably a cause of extreme concern to Member States. The United States embargo against Cuba was aimed at forcing the Cuban people to abandon their social, economic and political choices; the Helms-Burton Act makes explicit reference to this. It goes so far as to stipulate that an acceptable Cuban Government is "a government that ... does not include Fidel Castro or Raúl Castro".

This is at variance with numerous international instruments, including the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, which states that

> "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind." (*resolution 2625 (XXV), annex, para. 1*)

On another level, this blockade, which has continued for more than 35 years, constitutes a violation of international humanitarian law, because it has led to unimaginable human suffering among the Cuban civilian population by imposing restrictions on the sovereign right of Cuba to develop economic relations with other countries. This has had a negative effect on the socio-economic development of Cuba, and has resulted in a constant deterioration of living conditions and the health and cultural situation of the Cuban people, and in an increase in disease.

These events make it clear that coercive economic measures are no less devastating in their effects than weapons of mass destruction. The only difference is the time each weapon needs to achieve mass destruction. It is abundantly clear to all that the United States economic embargo against Cuba, and its intensification by the

Helms-Burton Act, has no support in international law. The State Department of the United States itself described the latest legislation as indefensible. The President of the United States himself admitted that

> "Nobody in the world agrees with our policy on Cuba now". *(Presidential debate, 6 October 1996)*

It is our great hope that the United States will respond to the call of the international community, as represented in the General Assembly, and will cease its embargo against Cuba and end its support for economic embargo in any form imposed unilaterally or collectively against developing countries. Experience has shown that economic sanctions are an inhumane tool whose efficacy is not proven. To the contrary, it is abundantly clear that they have devastating effects on innocent civilian populations.

Mr. Mra (Myanmar): When the cold war ended and a new environment of inter-State relations emerged, the international community fervently hoped that the outstanding international issues left over from the cold-war period would be solved through negotiations and cooperation. This hope has been fulfilled in many regions of the world, where adversarial relations have been replaced by amicable negotiations and cooperation, which has led to the settlement of many disputes. Despite this encouraging trend in international relations, the issue of the economic, commercial and financial embargo against the Republic of Cuba persists, and regrettably remains as intractable as ever. The embargo has even been stepped up through legislative measures which have extraterritorial effects, in disregard of international public opinion.

The embargo has lasted more than three decades, and its declared objective of encouraging political and economic reforms in the Republic of Cuba is far from being realized. It has only damaged the economy of Cuba and has prevented it from being reintegrated into the world economy. As a consequence, the innocent people of Cuba have unjustly suffered innumerable hardships.

The General Assembly has addressed this issue over the last four years and has adopted four resolutions, the last of which was resolution 50/10. That resolution was adopted by a vote of 117 in favour, 3 against and 38 abstentions. It expressed concern at the strengthening and extension of the economic, commercial and financial embargo against Cuba. Despite the adoption of that resolution, the collective wish of the international community was trivialized by the further tightening of the embargo through the adoption of the Helms-Burton Act. The new law, like its predecessors, not only affects the economic life of the Republic of Cuba and its people but also undermines the sovereignty of third States and violates principles of international law. The nature and scope of the new law has been severely criticized by many countries and groups of countries.

As a matter of policy, Myanmar consistently complies with the principles and purposes of the Charter of the United Nations and maintains a policy of scrupulous respect for, among other principles, the principle of the sovereign equality of States; non-intervention and non-interference in internal affairs; and freedom of trade and international navigation. In line with this policy, Myanmar has not promulgated any laws or regulations with extraterritorial effects. Myanmar does not believe that such laws and regulations will induce the desired change. They will only be counter-productive, as is clearly the case here. A policy of coercion through the extraterritorial extension of a country's domestic law is unacceptable to Myanmar. It is pertinent to recall in this connection what the Foreign Minister of Myanmar stated in the General Assembly on 27 September 1996:

> "We find unacceptable the threat or use of economic sanctions and the extraterritorial application of domestic law to influence policies in developing countries. The use of economic sanctions as a tool of policy is indefensible. It is a flagrant breach of the United Nations Charter". *(Official Records of the General Assembly, Fifty-first Session, Plenary Meetings, 13th meeting, p. 17)*

My delegation holds the view that negotiations between the parties concerned on the basis of sovereign equality and mutual respect is the only effective and sensible policy leading towards the settlement of this cold-war legacy.

Mr. Bin Nayan (Malaysia): The issue for the General Assembly to reflect on as it considers agenda item 27 is whether a State is permitted under international law to take punitive unilateral trade measures or use undemocratic means to induce political and social reforms in another State. The Assembly is again invited to ponder whether the principle of non-intervention has lost its meaning as we approach a new millennium. If the answer to this question is in the affirmative, then the United Nations has been truly deformed — possibly beyond reform.

Malaysia firmly believes that there is no justification for the United States to take unilateral trade measures

against Cuba that also impinge on the right of other States to engage freely in international trade and navigation. The promulgation of the Helms-Burton Act by the United States clearly contravenes the principles and objectives of the World Trade Organization (WTO). There have been various declarations and resolutions of against the application by the United States of the Act. The declaration of the recent Harare summit meeting of the Group of 15 developing countries, expressing serious concerns about the enactment of national legislation and other unilateral measures having extraterritorial effects, stated that

> "These measures violate the accepted norms of international law and constitute a serious threat to the sovereignty of nations. The future of the world trading system, the legitimacy of the WTO and the prosperity of both developing and developed countries depend on the respect by all nations for established principles and rules of international jurisprudence. We share the international community's firm condemnation of these developments and urge all countries to refrain from such practices".

The application of a United States domestic law whose extraterritorial effects infringe upon the sovereignty and legitimate interests of other States is inconsistent with the intentions of the Charter. Furthermore, the continuing measures against Cuba, contrary to the letter and spirit of General Assembly resolutions, are most definitely incompatible with the position and stature of a permanent member of the Security Council In the absence of any move by the United States to repeal the relevant Act, Member States may be justified in concluding that the United States has adopted a negative attitude by ignoring the will and expressed wishes of members of the General Assembly.

In the interest of upholding the principles of international law and the United Nations Charter and of promoting free trade, Malaysia will vote in favour of the draft resolution before us.

Mr. Shah (India): India's position on agenda item 27, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", has not wavered during the past four sessions when the General Assembly has considered draft resolutions on this issue. Hence, I will be brief.

India opposes any unilateral measures by one country that impinge on the sovereignty of another country. This includes any attempt to extend the application of a country's laws extraterritorially to other sovereign nations.

Mr. Fernández Estigarribia (Paraguay), Vice-President, took the Chair.

The efforts of developing countries in carrying out trade and macroeconomic reforms aimed at sustained economic growth can be impeded by the use of unilateral actions by major economies, in particular those with extraterritorial effects. The use of such unilateral trade measures to achieve domestic objectives poses a danger to the multilateral trading system.

The just-concluded Harare summit of the Group of 15 developing countries expressed serious concern over the recent enactment of national legislation and other unilateral measures having extraterritorial effects. The Summit participants held that such measures violate the accepted norms of international law and constitute a serious threat to the sovereignty of nations.

We too believe that the unilateral application of national legislation or laws in third countries should be resisted. Consistent with my Government's position, my delegation supports the draft resolution contained in document A/51/L.15.

We also call upon the United States of America to settle all its differences with Cuba through negotiations on the basis of equality and mutual respect. We believe that there is great merit in this approach.

Mr. Whannou (Benin) (*interpretation from French*): For more than 30 years, the brother people of Cuba has been subjected to a unilateral economic, commercial and financial embargo. The primary consequence of this unilateral measure has been the extreme impoverishment of the Cuban people, the subsequent deterioration in its living conditions, and, hence, increased suffering.

Such a situation, caused by unilateral measures not in keeping with the friendly relations, cooperation and good-neighbourliness that should exist between States, cannot leave us indifferent. Indeed, this situation is contrary to the provisions of the United Nations Charter and international law, particularly as regards the freedom of commerce and navigation. This is why, for several years, the General Assembly has consistently adopted — by an increasing majority — resolutions in favour of lifting the unilateral embargo.

My country, Benin, remains committed to respecting the principles and purposes of the United Nations Charter. Therefore, it has neither promulgated nor applied unilateral measures that impose embargoes against other States. Benin regrets that no measure has been taken since the adoption of resolution 50/10 to lift the economic, commercial and financial embargo against Cuba. Concerned about the United States national law known as the Helms-Burton Act, Benin calls on the international community to cooperate with the United Nations to lift this embargo as soon as possible. The embargo is also an impediment to the development of South-South cooperation between Cuba and developing countries in general, and the countries of the Caribbean and of Latin America in particular.

Benin believes that in this post-cold-war period, normalizing United States-Cuban relations would contribute to strengthening peace and improving international political and economic relations. This normalization would undoubtedly facilitate Cuba's integration into the economic globalization process and the liberalization of trade, and would consolidate the democratic process and increase Cuba's openness to the world.

Mr. Mabilangan (Philippines), Vice-President, took the Chair.

From the same standpoint, I would like to recall the declaration of this year's conference of the Non-Aligned Movement on the issue of the economic, commercial and financial embargo against Cuba.

Benin welcomes the initiatives and measures taken by the organs, foundations, programmes and bodies of the United Nations system, noted in the report of the Secretary-General contained in document A/51/355. We therefore support the following recommendations regarding the role of the United Nations system:

> "Supporting the restructuring process of the Cuban economy; contributing to the consolidation and enhancement of social services; [and] promoting cooperation between Cuba and the rest of the world". *(A/51/355, chap. III, para. 16)*

Indeed, by contributing to the achievement of these goals, the United Nations system is seeking above all to mitigate the effects and consequences of the embargo on the Cuban population. I therefore take this opportunity to call solemnly upon the two States involved — Cuba and the United States of America — to seek a solution to this dispute by peaceful means, including through dialogue and negotiation.

Benin expresses its solidarity with the Cuban people, which, due to the embargo, faces additional difficulties in its efforts to emerge from underdevelopment. My delegation, as in the past, will therefore vote in favour of the draft resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

Mr. Choulkov (Russian Federation) (*interpretation from Russian*): The issue of the necessity of ending the economic, commercial and financial embargo imposed by the United States against Cuba has been in the focus of the General Assembly since 1992. Without going into detail, we would like to recall the essence of the Russian position: we cannot, in principle, agree with attempts to extend the internal jurisdiction of States beyond their own territory. In our view, such actions violate the established, generally-accepted rules of international law and jeopardize the interests of third countries.

In examining the results of voting on resolutions on this item in previous years, we come to the conclusion that the international community increasingly rejects such unilateral coercive measures. Most of the States of the world, including the developed States, have expressed their disagreement with attempts to tighten the embargo by implementing the Cuban Liberty and Democratic Solidarity Act, passed last March and known as the Helms-Burton Act. They have rightly described it as discriminatory and as incompatible with the norms of international law and the principles of free trade.

The Russian delegation believes that attempts to blockade Cuba economically through an embargo are counterproductive, and can only worsen the situation of the majority of the country's population and impede incipient democratic change and economic reform. In our view, the lifting the United States commercial, economic and financial embargo against Cuba and the normalization of relations between the United States and Cuba would promote a healthier international situation and facilitate Cuba's integration into world economic relations and thereby the advance of its society towards democracy and greater openness.

The Russian delegation believes that mutually acceptable decisions to normalize the entire range of Cuban-United States relations are both desirable and feasible. They should be sought through a constructive

bilateral dialogue and a broader negotiating process between the two countries.

Russia, firmly guided by the principles of the sovereign equality of States, non-interference in their internal affairs and freedom of trade and international navigation, supports and intends to broaden normal economic and commercial ties with Cuba, based on mutual interest and reciprocal advantage, and to put them into effect in strict conformity with generally accepted international norms.

Mr. Escovar Salom (Venezuela)(*interpretation from Spanish*): In recent years, the international community has made significant progress in the area of economic and commercial cooperation through dialogue and direct negotiation. It has also made very important progress towards universal peace, democracy and solidarity.

Any discriminatory trade practice, imposition of unilateral economic measures or extraterritorial application of domestic law obstructs that process and is unacceptable and incompatible with the norms of international law and the principles enshrined in the United Nations Charter. It is impossible to conceive of a just international order in the social and economic spheres which that includes trade, economic and financial restrictions imposed by one State on another. It is inadmissible to seek solutions to bilateral political differences through military or economic coercion or through any other form of pressure that undermines the sovereignty and independence of nations and harms the well-being of peoples.

The adoption of such measures does not contribute in any way to the resolution of differences; on the contrary, it encourages unnecessary confrontation that affects the population without changing the system against which they are imposed. My Government rejects measures of that type and believes that the embargo against Cuba must be lifted.

In this regard, I wish to reiterate Venezuela's unwavering position, as expressed at several international forums, rejecting the promulgation of unilateral measures whose extraterritorial effects are prejudicial to the sovereign exercise of the laws and interests of other States. For that reason, we express our concern over the enactment of the Cuban Liberty and Democratic Solidarity Act, known as the Helms-Burton legislation, and stress the importance of the unanimous opinion issued by the Inter-American Legal Committee of the Organization of American States to the effect that the grounds and possible application of that Act are not in keeping with international law.

Based on these considerations, we have decided to vote in favour of the draft resolution before us. That, however, should not be interpreted as support by the Government of Venezuela for a particular political regime, since we consider that the arguments made against the embargo are valid regardless of a country's political situation.

I wish to affirm in the most categorical terms the conviction and position of my country's policy in favour of ensuring, developing and encouraging the democratic processes in Latin America and throughout the world. Heads of State or Government and Prime Ministers are now meeting at Viña del Mar in Chile at a summit that is very important to the development of democracy in Latin America and our President and Government have expressed there Venezuela's unwavering position favouring the development and further strengthening of democratic Governments. The promotion of democracy, which is set down in our Constitution, cannot be associated with unilateral coercive measures of indefinite duration.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/51/L.15.

I shall now call on the representative of Ireland, who wishes to make a statement in explanation of vote on behalf of the European Union. May I remind him that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Campbell (Ireland): The European Union strongly believes that a democratic system of government must be installed in Cuba as a matter of priority. However, we also believe that that must come about through internal change, encouraged by dialogue with the Cuban Government and by effective support for those working for democracy within Cuba. The Cuban Government continues to cling to an outmoded and misguided system of government which has been firmly rejected in most parts of the world. We consider that Cuba must join the evolution towards democracy and pluralism which has been so evident elsewhere in Latin America.

The year since the General Assembly last considered the question of the embargo against Cuba has been characterized by increasing violations of civil and political

rights by the Government of Cuba. We have witnessed the banning of the democracy-building efforts of Concilio Cubano. Furthermore, the Special Rapporteur of the Commission on Human Rights has provided details of the harassment experienced by those who seek to bring democracy to Cuba by peaceful means. We have also seen the shooting down of the two Hermanos al Rescate aircraft, in violation of international law and with complete disregard for the right to life.

The European Union attaches paramount importance to the need for the Government of Cuba to accord absolute respect to human rights and fundamental freedoms. We condemn unreservedly the repeated violations of human rights that have occurred over the years in Cuba, with particular emphasis at the present time on violations of civil and political rights.

We are also concerned that the Cuban people continue to experience a decline in the level of economic and social rights that they have enjoyed. While this is due in part to the effects of the United States embargo on the Cuban population, the Cuban Government must accept a part of the blame for the difficult situation faced by the Cuban people. Over the years, the Government has made economic and political choices that may have produced short-term benefits but that now have the most serious consequences for the welfare of the Cuban population.

We welcome decisions by the Cuban Government to undertake a process of economic reform, which we hope will enable the country to move towards a more rational economic system and bring with it tangible benefits for the Cuban people. We call for further economic liberalization.

Having made clear our views on the situation that exists in Cuba, the European Union wishes to reiterate its rejection of attempts to apply national legislation on an extraterritorial basis. We have always rejected attempts by the United States to coerce other countries into complying with the commercial measures it has adopted unilaterally against Cuba.

For this reason, we continue to oppose United States legislation that provides for the application of United States law to companies and individuals outside the jurisdiction of the United States, including provisions designed to discourage third- country companies from trading with, or investing in, Cuba. We cannot accept that the United States may unilaterally determine or restrict the European Union's economic and commercial relations with any other State. Measures of this type violate the general principles of international law and the sovereignty of independent States.

The European Union has therefore initiated proceedings in the World Trade Organization to have the Helms-Burton legislation declared contrary to the obligations assumed by the United States as a member of that organization. The European Union has also agreed upon legislation to counter the extraterritorial effects of the United States measures.

Bearing in mind the concerns and reasons we have outlined, the members of the European Union will support this draft resolution.

The Acting President: We have heard the only speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/51/L.15.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Kazakstan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa,

Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe

Against: Israel, United States of America, Uzbekistan

Abstaining: Bhutan, El Salvador, Estonia, Gabon, Georgia, Guatemala, Japan, Jordan, Kuwait, Kyrgyzstan, Latvia, Liberia, Lithuania, Marshall Islands, Micronesia (Federated States of), Morocco, Nepal, Oman, Republic of Korea, Republic of Moldova, Rwanda, Saudi Arabia, Tajikistan, the former Yugoslav Republic of Macedonia, United Arab Emirates

The draft resolution was adopted by 137 votes to 3, with 25 abstentions (resolution 51/17).

[Subsequently, the delegations of Cameroon and Niger advised the Secretariat that they had intended to vote in favour of the draft resolution]

The Acting President: I shall now call on those representatives who wish to make statements in explanation of vote. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Petrella (Argentina) (*interpretation from Spanish*): This is the second year that Argentina has voted in favour of the draft resolution contained in document A/51/L.15. This is because our principal objective, in addressing the question of Cuba, is to help in that country's peaceful transition towards democracy, within the framework of the principles of the Charter and of international law. This objective is no doubt shared by all peoples of the hemisphere as well as by a vast majority of the membership of the General Assembly. This objective was recently underscored at the Ibero-American Summit Conference, which took place in Santiago, Chile, last weekend.

The measures referred to in the resolution we have just adopted do nothing to help us attain this objective. On the contrary, we are convinced that not only will they not have the effect we desire, namely democracy, neither will they serve to isolate Cuba from the international community — a goal that we do not share. Furthermore, the blockades, embargoes and trade sanctions referred to in the resolution are contrary to the principles and practices of the United Nations and are inconsistent with international law.

We have respectfully included the question of democracy in this debate because we do not think that any sustainable economic recovery is viable without a pluralistic and representative institutional framework or clear respect for human rights and fundamental freedoms. The incremental measures contained in the Helms-Burton Act do not contribute to democratic transition in Cuba, nor do they make any real contribution to opening up the economy. For all of these reasons, and since our main objective is democracy, we voted in favour of the draft resolution.

In conclusion, we wish to give the Assembly something to think on. If we truly wish to see democracy in Cuba, we should also promote integration, communications and cultural exchanges, as well as strengthen measures that the Government of Cuba has already put in place to open up the economy. In other words, if democracy is the goal, we need to see fewer fruitless, coercive policies, which further impoverish people who do not deserve it, and more of the 1975 Helsinki spirit, which gave rise to a liberation movement in Europe that culminated in the end of totalitarianism. We therefore want to see measures appropriate to today's post-cold-war world because we believe them to be more effective, more realistic, more acceptable and more conducive to democracy.

Mr. Karsgaard (Canada): Canada has supported this resolution again this year. We have done so because we contest any effort to force change in our own policy through the use of measures having an extraterritorial reach. Canada has always taken a vigorous stand against measures that seek to constrain the freedom of investment and trade of third countries. That is our primary concern with the embargo and the reason why Canada has opposed the Helms-Burton Act.

At the same time, and as we have said in the past, the embargo cannot be blamed for all of Cuba's problems. We believe that Cuba can overcome many of its problems through a concerted programme of political and economic reform. We have seen progress in the economic area, but Canada remains concerned at the state of human rights and democratic development in Cuba, which falls short of internationally recognized norms; we will continue to press for improvement. We do not agree with Cuba on all issues, but we continue to believe that

engagement and dialogue rather than isolation is the best way of encouraging reform in Cuba.

Ms. Lee (Singapore): Singapore has once again voted in support of the resolution on this issue (A/51/L.15) which we have just adopted. In doing so, we still take no position on the specific bilateral problems that led to the imposition of the embargo against Cuba. This is a matter for the two countries to settle bilaterally. However, we maintain our view that international relations have evolved to the point where the principle of free trade should be the primary consideration for the international community. Sanctions should be used only in extremely serious cases and then only on the authority of the Security Council. The unilateral imposition of sanctions with extraterritorial applications is a dangerous trend that will distort free trade to the ultimate detriment of the entire international community.

All nations should be able to trade freely and openly with any other nation regardless of political views. Openness and engagement is the best way to build a true community of nations.

Mr. Takahashi (Japan): I have asked to speak to place on record Japan's position with regard to its abstention in the voting on the resolution contained in document A/51/L.15. As it has indicated in previous years, Japan considers that the question of the United States embargo against Cuba should be discussed bilaterally between the United States and Cuba. It continues to have doubts as to whether a discussion in the General Assembly can actually be conducive to resolving the issue in a constructive way. At the same time, Japan joins the international community in expressing its concern that the Helms-Burton Act may constitute an extraterritorial application, and asks for cautious implementation of the law.

Japan is not entirely convinced that the resolution that has just been adopted properly addresses the question in all its complexity. If it does not, a better way must be found to reach an appropriate solution. Otherwise this question will remain unresolved.

Mr. Kasanda (Zambia): The issue of the American embargo against Cuba has been around for more than 37 years. This means that the origins of the issue date back to the politics of the cold war, characterized by global tension and East-West ideological rivalry.

The continuation of the embargo against Cuba is therefore a sad continuation of cold-war tactics in a different era altogether. The post-cold-war era is a period that should be characterized by reconciliation and cooperation among States. It is an era in which nations are increasingly turning to diplomacy and peaceful means to solve disputes among them. Unfortunately, the United States chooses to live in the past in its relations with Cuba.

It must be noted that in spite of the embargo, the Cuban people have stood firm and resolute in the face of the situation brought about by this uncalled for campaign of external pressure. My delegation applauds the Cuban people for their tenacity: despite overwhelming external pressure, they have solidly remained behind their tested leadership. We also applaud them for having such a resilient economy. Despite its dramatic decline in 1992, at the height of the collapse of the former Soviet Union, the economy is once again on the road to recovery.

Today, Cuba enjoys economic cooperation with several countries. Cuba has experienced increased private investment over the past few years, which has given a boost to its economy. It also enjoys a booming tourist industry that is the envy of many countries. The truth of the matter is that Cuba's economy is recovering rapidly, following its drastic decline in the aftermath of the collapse of the Soviet Union. Consequently, Cuba enjoys both political and social stability. This phenomenon must be strengthened by putting an end to the economic, commercial and financial embargo imposed by the United States against Cuba.

It therefore came as a total surprise that at a time when Cuba is registering a recovery in its economy, the United States saw fit to strengthen its economic blockade against it. This was done through the Helms-Burton Act, which has been roundly condemned by the international community. The Act has been dismissed as an attempt to impose unilateral sanctions of an extraterritorial nature in the application of a country's domestic law. It clearly infringes upon the norms that govern coexistence between States and ignores with impunity the fundamental principle of sovereignty; besides, it constitutes a violation of international law.

The United States of America is, to all intents and purposes, alone in its advocacy and application of the Helms-Burton law against Cuba. Hence, instead of isolating Cuba, the United States has succeeded only in doing the opposite. To be sure, Washington has greatly isolated itself on this issue. More and more countries

affected by that law are now fighting against it. They are not fighting against Cuba but alongside it.

The Helms-Burton Act is simply self-defeating. It is as controversial as it is unworkable; it is futile and an illegitimate form of pressure on the Government and people of Cuba.

The Movement of Non-Aligned Countries, for its part, has on several occasions underscored the need to end the American embargo against Cuba. My delegation therefore wishes to take this opportunity to reiterate the call made to the United States by the Heads of State or Government of the Movement at Cartagena, Colombia, last year, to put an end to the economic, commercial and financial measures against Cuba.

The Non-Aligned Movement believes that these measures — apart from being unilateral and contrary to the United Nations Charter and international law, as well as to the principles of good neighbourliness — cause huge and unnecessary material losses and economic damage to all the countries affected by the law. Those, incidentally, include the United States itself.

The time has come for the United States to see Cuba for what it is: a country determined more than ever before to develop along the path that has been charted by its leaders. The time has also come for the United States to appreciate the fact that the past four years have demonstrated the total rejection by the international community of the application of unilateral and extraterritorial measures by the United States.

In the light of the mounting public opinion against the United States embargo against Cuba, my delegation wishes to urge the United States Government to settle its differences with Cuba through negotiations, on the basis of equality and mutual respect. It is indeed in this light that my delegation has supported the resolution before us.

Mr. Dlamini (Swaziland): My delegation wishes to make the following statement in explanation of vote.

All nations are equal before the eyes of God. Even if geographically they are small States, to God they are all equal. No nation, therefore, whether large or small, has a divine right to interfere in the sovereignty of any State Member of the United Nations.

The Kingdom of Swaziland, in this belief, will therefore continue to support efforts aimed at discouraging bigger countries from frustrating the development of small nations such as the Kingdom of Swaziland.

For this reason, we cannot close the door on the two parties involved in this issue. We must see that they continue to negotiate, and try to soften their hearts to make them fear God, who created them both.

This is the time for the Security Council which, I believe, has the power of the veto, to use it to come to the aid of small nations when they are being unnecessarily victimized.

Let us continue to hope and pray that sanity among nations will continue to prevail in order to respect the principles enshrined in the Charter of the United Nations.

Mr. Amorim (Brazil): My country believes that the settlement of disputes among States must be undertaken, first of all, through peaceful means. Any other forceful measures, such as sanctions or embargoes, constitute exceptions to this general rule. They should be resorted to only when all other means are exhausted and, in any case, should be firmly based on international law.

Sanctions and embargoes that contradict international law instead of contributing to the solution of a specific dispute only escalate tensions. If they affect the interests of third parties, as in the case currently under the scrutiny of the General Assembly, it is even more appropriate that the international community express its rejection.

The so-called Cuban Liberty and Democratic Solidarity Act of 1996, in force in the United States of America, has been rejected in a number of international forums, *inter alia*, in the Organization of American States, the Rio Group and at the Ibero-American Summit of Heads of State and Government. It is also inconsistent with the legal obligations of the members of the World Trade Organization. Brazil joins the virtual unanimity of the international community in this regard.

National reconciliation, the enjoyment of freedom and prosperity by the Cuban people and the full integration of Cuba in all the mechanisms of the inter-American community are goals that we fully share. In our assessment, lifting the embargo would bring us closer to the accomplishment of these goals.

For all these reasons, Brazil voted in favour of resolution A/51/L.15, in defence of the rules of

international law, the peaceful settlement of disputes and respect of the sovereignty of States.

Mr. Van Dunem "Mbinda" (Angola): The end of the cold war paved the way for increased dialogue and cooperation in the conduct of inter-State relations, as well as in multilateral diplomacy. Seemingly intractable, age-old problems have witnessed dramatic developments, stability and economic development.

As my Minister for Foreign Affairs has stated, the Government of Angola is profoundly concerned by the difficult social and economic situation prevailing in the Republic of Cuba as a result of the financial and economic blockade imposed on that member of the General Assembly.

For that reason, the Government of Angola supports the General Assembly resolutions calling for the lifting of the economic blockade imposed on the Cuban people, who are suffering the negative effects of those measures, and therefore encourages a dialogue with a view to normalizing relations between those two sovereign Member States.

Taking into account the fact that the embargo imposed against Cuba has lasted more than 30 years and that its reinforcement has provoked the suffering of millions of human beings, my delegation — in the interest of upholding the principles of international law and promoting peaceful and friendly relations between nations — voted in favour of resolution A/51/L.15.

The Acting President: We have heard the last speaker in explanation of vote after the vote.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 27?

It was so decided.

Organization of work

The President: I should like to make an announcement concerning the Informal Open-ended Working Group on an Agenda for Peace.

Members will recall that, at the 126th plenary meeting of its fiftieth session, held on 16 September 1996, the Assembly recommended that the Informal Open-ended Working Group resume its work during the fifty-first session. In this regard, I should like to inform members that, following consultations, I have designated the Permanent Representative of Cape Verde, His Excellency Mr. José Luis Barbosa Leao Monteiro, as Chairman of the Informal Open-ended Working Group on an Agenda for Peace. I have also designated the Permanent Representative of Belgium, His Excellency Mr. Alex Reyn, as Vice-Chairman of the Working Group. I should like to thank both ambassadors for assuming those responsibilities.

Programme of work

The Acting President: I should like to announce a change in the programme of work of the General Assembly.

Agenda item 42, entitled "Cooperation between the United Nations and the Organization of African Unity", originally scheduled for Thursday 14 November in the morning as the third item, is postponed to a later date to be announced.

The meeting rose at 1.20 p.m.

United Nations A/51/PV.58

General Assembly

Official Records

Fifty-first Session

58th plenary meeting
Thursday, 14 November 1996, 10.00 a.m.
New York

President: Mr. Razali Ismail ..... (Malaysia)

In the absence of the President, Mr. Van Dunem "Mbinda" (Angola), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 31

Cooperation between the United Nations and the Organization of the Islamic Conference

Report of the Secretary-General (A/51/381)

Draft resolution (A/51/L.17)

The Acting Chairman: I call on the representative of Guinea to introduce draft resolution A/51/L.17.

Mr. Dione (Guinea) (*interpretation from French*): On behalf of all the members of the Organization of the Islamic Conference (OIC), I have the pleasure of introducing, under agenda item 31, draft resolution A/51/L.17, entitled "Cooperation between the United Nations and the Organization of the Islamic Conference".

The report of the Secretary-General on this item (A/51/381) is especially helpful in that it recalls the need to continue cooperation in their common search for solutions to global problems relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights, social and economic development and technical cooperation. In this regard, allow me to hail all the initiatives which have given rise to consultations between representatives of the secretariats of the organizations of the United Nations system and of the OIC, and also the review of proposals aimed at strengthening mechanisms for cooperation between United Nations agencies and the OIC and its specialized bodies.

Among the 185 Member States of the United Nations, 53 are also members of the OIC. This attests to the need to strengthen cooperation between these organizations, as set forth in the preambular part of the draft resolution, the text of which is similar to that of resolution 50/17. In its operative part, the General Assembly notes with satisfaction the active participation of the Organization of the Islamic Conference in the work of the United Nations towards the realization of the purposes and principles of the Charter of the United Nations. In that spirit, the General Assembly welcomes the proposals of the general meeting of the two organizations to strengthen cooperation between them in various areas and to review the ways and means for enhancing the mechanisms for such cooperation. It welcomes further the periodic high-level meetings between the Secretary-General of the United Nations and the Secretary-General of the Organization of the Islamic Conference, between senior secretariat officials of the two organizations.

Likewise, the General Assembly urges the organizations of the United Nations, especially the lead agencies, to provide increased technical and other forms of assistance to the Organization of the Islamic Conference and its specialized institutions to enhance

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cooperation. The General Assembly expresses its appreciation to the Secretary-General for his initiative to convene a high-level meeting of regional and other intergovernmental organizations on 15 February 1996, and looks forward to similar meetings in the future. It expresses the hope that the efforts of the Secretary-General in the promotion of cooperation between the United Nations and the OIC will continue to strengthen the mechanisms of coordination between the two organizations.

To conclude, allow me to invite this Assembly to adopt draft resolution A/51/L.17 without a vote.

The Acting Chairman: In accordance with General Assembly resolution 3369 (XXX) of 10 October 1975, I now call on the observer for the Organization of the Islamic Conference.

Mr. Ansay (Organization of the Islamic Conference): A review of the status of cooperation between the United Nations and the Organization of the Islamic Conference has now become a regular feature of the deliberations at the annual sessions of this body. I welcome the opportunity and consider it a privilege to address the General Assembly this morning on behalf of the Secretary-General of the Organization of the Islamic Conference, His Excellency Mr. Hamid Al-Ghabid, on agenda item 31, which covers this important subject.

Before I go into substance, I would like to take this opportunity, at the outset, to congratulate the President of the Assembly and, through him, his colleagues on the Bureau, on their elections to their high offices. I know that in Ambassador Razali's capable hands the work of the Assembly will be very ably directed. I also join other delegations in paying tribute to his predecessor, His Excellency Mr. Diogo Freitas do Amaral, and his colleagues on the previous Bureau for steering the work of the Assembly with remarkable success during the course of the fiftieth session.

The report of the Secretary-General, which is before the Assembly in document A/51/381, once again offers an informative panoramic view of the cooperation between our two organizations and their respective subsidiary and specialized organs, agencies and institutions in areas of common concern in 1996. It clearly portrays the endeavours of the United Nations system in implementing General Assembly resolution 50/17 of 20 November 1995, which requested the United Nations and the Organization of the Islamic Conference to continue to cooperate in their common search for solutions to global problems relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights, social and economic development and technical cooperation, as well as to continue to expand the parameters of this cooperation in response to the growing needs of our common member States.

I would, therefore, like to extend to the President, and, through him, to the Secretary-General, His Excellency Mr. Boutros Boutros-Ghali, and to the Executive Heads of the various United Nations funds, programmes and specialized agencies, our most sincere thanks, for their and their respective staffs' efforts, which have contributed greatly to the success of our common endeavours throughout the preceding year.

When I addressed the General Assembly last year on this agenda item, I spoke of the serious impetus that needed to be given to that aspect of resolution 49/15 which called for strengthening cooperation between our two organizations in the political field, besides of course continuing to expand our ongoing cooperation in several economic, social and humanitarian sectors. This was timely and both proactive and reactive with respect to some of the priority concerns of our common member States, all of which are represented here in this Assembly. As the Secretary-General's report illustrates, this aspect figured prominently in the last meeting between the Secretaries-General of our two organizations, which took place here at United Nations Headquarters on 3 October 1995, and in the two high-level meetings of officials of the two organizations held here on 5 October 1995 and on 4 October 1996.

Also, during the last general meeting between the secretariats of our two organizations, held in Geneva from 26 to 28 June 1996, a special segment was devoted to the political dimension at which we mutually identified modalities for information exchange and for consultation and coordination in the areas of interest to our common member States, that is, the issues of Bosnia and Herzegovina, Afghanistan, Palestine, Tajikistan, Azerbaijan, Cyprus, Somalia, Jammu and Kashmir, and so on. Two examples of our cooperation at the practical level were the collective monitoring of the recent elections in Palestine and the activities of our respective missions in Afghanistan, which are maintaining complementarity and close contacts in helping the various Afghan political factions find an agreeable solution to their present predicament. I can speak of both from experience, as I have had the privilege of personally participating in each of them. We now look forward to

participating in the special meeting on Afghanistan that the Secretary-General is convening here in New York later this month, and to which we have been invited.

I now turn briefly to our cooperation in the social, economic and cultural spheres during the period under review and refer to the nine priority areas in which cooperation is under way between our two organizations: the development of science and technology; trade and development; technical cooperation among Islamic countries; assistance to refugees; food security and agriculture; education and eradication of illiteracy; investment mechanisms and joint ventures; human resource development; and the environment.

Paragraph 13 of the report of the Secretary-General details the eight recommendations of the meeting of United Nations and OIC focal points, held at Geneva in June 1995, which were endorsed by the general meeting between the secretariats of the two organizations, held at Geneva in June 1996. I hope that these recommendations will be favourably considered by the Assembly, as they are based upon practical considerations and have emerged from several years of experience in support of the developmental efforts of our member States.

The adoption of new, cost-effective modalities that would accelerate the programme and project identification, and the approval and implementation processes has been an important consideration of our joint endeavours. I would cite briefly two recent examples of these endeavours. First, the OIC and the United Nations Development Programme (UNDP) Special Unit for Technical Cooperation Among Developing Countries are providing technical assistance to the Foundation for Social Peace, a respected African non-governmental organization, based in Niamey, Niger, in implementing its Rural Education and Agricultural Extension facility for the nomads of the Sahel and Sahara regions, with some catalytic financial support from the Perez Guerrero Trust Fund. Secondly, technical assistance is being extended by the OIC and by UNDP's Programme of Assistance to the Palestinian People to Birzeit University in Jerusalem in the strengthening of its Web reporting resources through the use of modern technology and the Internet. In both instances, speedy project identification and approval processes, reflecting effective coordination among the two organizations at the working level, are now accelerating delivery and implementation to the advantage of the beneficiaries.

I should now like to refer briefly to the annual coordination meeting of the Ministers of Foreign Affairs of the OIC, held on 2 October 1996, to discuss the agenda of the fifty-first session of the General Assembly, in particular those items that were of relevance to the OIC. I am pleased to recall that — as the Secretary-General's report mentions in paragraph 3 — in response to our invitation a senior representative from the United Nations Department of Political Affairs attended the meeting and observed its deliberations. Paragraph 4 of the report summarizes the issues that the meeting covered.

The representative of Guinea, representing the Chairperson of the Islamic Group, has graciously introduced the draft resolution on cooperation between the United Nations and the OIC, which is before the Assembly in document A/51/L.17 of 11 November 1996. I take the liberty of drawing the attention of representatives to three of the 14 operative paragraphs because of their significance.

First, operative paragraph 5, in its latter part, welcomes the proposal of the general meeting of the United Nations and the OIC to review the ways and means for enhancing the actual mechanisms for cooperation between the two organizations in areas of common concern. The two examples of cooperation I cited a moment ago demonstrate what can be achieved by resorting to new and innovative methods. A greater scope of opportunity lies ahead to be explored and tapped for the benefit of our member States.

Secondly, operative paragraph 8, among other things, encourages the specialized agencies and other organizations of the United Nations system to negotiate cooperation agreements with their OIC counterparts for cooperation in priority areas of interest to the two organizations. Two memoranda of understanding signed in New York last month by the Islamic Educational, Scientific and Cultural Organization (ISESCO) with the United Nations Children's Fund (UNICEF) and United Nations Population Fund (UNFPA) have paved the way for ISESCO's systematic consultation and effective cooperation with these two organizations, adding to several such memoranda similarly concluded with other United Nations organizations in the past. We hope that this process will continue and expand among the relevant agencies and institutions of our two organizations.

Thirdly, I should like to refer to operative paragraph 11, which expresses appreciation to the Secretary-General for his initiative to convene a high-level meeting of regional and other inter-governmental organizations on 15 February 1996, and encourages similar meetings in the

future. This very pertinent recommendation emerges from the fruitful experiences of two such previous meetings.

As in the resolution of the preceding year, none of the operative paragraphs contained in this resolution has any additional financial implications. I am therefore confident that it will attract the Assembly's unanimous approval.

In conclusion, I should like to remind the Assembly that the OIC derives its inspiration from Islam, the religion of peace, which advocates justice, tolerance and cooperation among all segments of mankind. Our cooperation with the United Nations will continue to be guided by these noble considerations as we maintain our collective march, shoulder to shoulder, towards universal peace and progress in the time ahead.

The Acting President: We have heard the last speaker in the debate on this item.

The Assembly will now take a decision on draft resolution A/51/L.17. May I take it that the Assembly decides to adopt draft resolution A/51/L.17?

The draft resolution was adopted (resolution 51/18).

The Acting President: May I take it that it is the wish of the Assembly to conclude agenda item 31?

It was so decided.

Agenda item 32

Zone of peace and cooperation of the South Atlantic

Report of the Secretary-General (A/51/458)

Draft resolution (A/51/L.16)

The Acting President: I now call on the representative of South Africa to introduce draft resolution A/51/L.16.

Mr. Bergh (South Africa): It is an honour for South Africa to introduce the draft resolution, entitled "Zone of peace and cooperation of the South Atlantic", on behalf of the member States of the zone. South Africa does not only endorse but will also endeavour to give practical effect to the draft resolution's call upon all Member States to cooperate in the promotion of the objectives established in the declaration of the zone of peace and cooperation of the South Atlantic and to refrain from any action inconsistent with those objectives and with the Charter of the United Nations and relevant resolutions of the Organization, particularly action which may create or aggravate situations of tension and potential conflict in the region.

The South African Government supports the objectives of the zone of peace and cooperation of the South Atlantic, which include the enhancement of peace and security, the promotion of regional cooperation for social and economic development, the promotion of the environment and the conservation of resources. Since the end of the cold war, the major focus of the zone has moved increasingly to economic, social, environmental and cultural issues. As the zone developed, member States expanded their vision and adopted a policy to increase political, economic and cultural links between eastern South America and the west coast of Africa. It is that dimension and the concept of building bridges across the South Atlantic which today unites us and provides the basis for future cooperation between zone members.

The agenda for the zone fits neatly into the wider framework of South-South cooperation. Our zone must be another important building block to effectively achieve our wider vision of South-South cooperation for the mutual benefit of all our countries. The zone constitutes an important forum for members of the South to manifest their solidarity and collectively and meaningfully bargain with others within the relevant international economic institutions. In that respect, the future linkage between member States of the zone of the Indian Ocean rim countries, the Southern African Development Community (SADC), the Southern Cone Common Market (MERCOSUR) and others should be developed and reinforced. For our fourth ministerial meeting in South Africa, on 1 and 2 April 1996, we thought it appropriate to focus on the theme of bridging the South Atlantic. We identified practical possibilities for regional cooperation so as to enable our vision for the zone to become a reality.

We share one immense commonality: the rich and vast South Atlantic Ocean. South Africa accepts the obligations to protect and preserve the marine environment, as set out in the various conventions adopted internationally for that purpose over the past decade and more. We also look forward to pursuing those principles within the zone. Decisions to develop practical measures for the protection of the South Atlantic marine environment and on illegal fishing activities were adopted at the fourth ministerial meeting. Concerns about the question of the safe and secure transportation through the

South Atlantic of irradiated nuclear fuels, plutonium and high-level radioactive waste were raised. We must protect that great body of water which divides us and at the same time serves as a link between all of us. It must be our serious intent to ensure that the progress we are making in the zone parallels what has been done in the Indian Ocean region to strengthen the voice of the South in international forums.

Also at the fourth ministerial meeting, South Africa and the member States emphasized the need to strengthen cooperation among member States of the zone, in law enforcement agencies and within the international and regional organizations in the fight against the illicit traffic in narcotic drugs and psychotropic substances. As we Governments should set out to create an environment friendly to international trade, trade among ourselves and investment, it is for business groups then to grasp the opportunities we create and, through their enterprises, increase the job opportunities and the wealth of the countries of our zone.

In similar fashion, we believe that there is an opportunity within the zone to explore ways to achieve capital market development and liberalization: cooperation in the development of infrastructure, cooperation in science and technology, mining and minerals and the general facilitation of trade and tourism throughout the region. Regarding development, South Africa is convinced that the zone provides a very important mechanism and framework to promote the common interests and aspirations of those African and South American States that share the South Atlantic Ocean. The initiative could also be a very important instrument for providing impetus and substance to South-South dialogue and cooperation in general.

In order to bridge the Atlantic Ocean, we should encourage and facilitate more business initiatives through modern communications, thus ensuring closer links among all the members. That should in turn facilitate the expansion of economic and commercial links between all the member States across our common Ocean. South Africa is honoured to have assumed the chairmanship of the zone. We thank the past Chairman, Brazil, and the Steering Committee for having set the timetable. We should cooperate with all members of the zone to further our common objectives and hope that our joint efforts will serve to ensure that our vision for the future becomes a reality for all our peoples in the near future.

The goals of the zone are noble ones. No one will question that the enhancement of peace and security, the promotion of regional cooperation in the fields of economic and social development, the protection of the environment and the conservation of resources are beneficial for mankind. South Africa would therefore urge all Member States to support this draft resolution so that it may be adopted without a vote.

Mr. Amorim (Brazil): I would like to reiterate the strong commitment of Brazil to the purposes and objectives of the zone of peace and cooperation of the South Atlantic and, therefore, to draft resolution A/51/L.16, which was introduced by the Ambassador of South Africa on behalf of the States members of the zone.

Together with other members of the Zone, Brazil participated in the fourth meeting of the States members in Somerset West, South Africa, on 1 and 2 April 1996. The approval of this draft resolution by the General Assembly will be an expression of the support of the international community to cooperation among members of the zone and among these and other States towards economic and social development in conditions of peace and freedom, as expressed in the Final Declaration of the fourth meeting, contained in document A/51/183.

The zone of peace and cooperation of the South Atlantic represents a valuable asset for the South Atlantic countries of Africa and Latin America. The Brazilian Government has pledged its support for its revitalization and underlines in this regard recent initiatives in the areas of denuclearization, protection of the marine environment and cooperation against drug trafficking.

Brazil, together with the other members of the zone, supports the strengthening of the Treaties of Tlatelolco and Pelindaba, which establish nuclear-weapon-free zones in Latin America and the Caribbean as well as in Africa. We recall, in this context, growing links of cooperation with the other nuclear-weapon-free zones of the Southern Hemisphere and adjacent areas established by the Treaties of Rarotonga and Bangkok.

In the area of the environment, the commitment of all the members of the zone to the protection of the marine environment has prompted the consideration of proposals for adopting a specific convention on the issue within the framework of the United Nations Convention on the Law of the Sea. The new convention would set up mechanisms for cooperation for the protection of the marine environment, for the conservation of marine living resources, for preventing and containing environmental

accidents and for promoting both the exchange of information and concerted action in these areas.

Brazil is also strongly committed to cooperating with the other members of the zone in the fight against the scourge of drug trafficking. Also of particular significance is the support given by the international community through this draft resolution, in operative paragraphs 7 to 12, to the process of national reconciliation in Angola, most particularly, and Liberia, as well as the call for increased humanitarian assistance for those two countries.

The Brazilian Government is committed to continued cooperation with the members of the zone and looks forward to the fifth ministerial meeting, which will be held in Argentina.

The contacts among West African and South American countries bordering the South Atlantic, in the context of the zone of peace and cooperation, aim at promoting cooperation, understanding, stability and prosperity among all the participants. They deserve the support of the international community as a whole. We are confident that, as in previous years, this draft resolution will command general support.

Mr. Chinade (Nigeria): This session marks the tenth anniversary of the establishment of the zone of peace and cooperation of the South Atlantic. The zone was envisaged as an instrument for promoting understanding and cooperation among the South Atlantic countries. It was also established to further explore and enhance the prospect and potentials of South-South cooperation and to contribute to the maintenance of international peace and security. My delegation is pleased to note that, so far, the zone can justifiably affirm that it has continued, in spite of its many teething problems, to focus on the purposes and objectives of its establishment.

The member States of the zone have held four high-level meetings during which they have explored further areas where cooperation is possible at this initial stage and have adopted forward-looking decisions. At the fourth high-level meeting in Somerset West, South Africa in April 1996, member States decided, *inter alia*, to adopt practical measures for the protection of the South Atlantic marine environment and against illegal fishing. These will be major items on the agenda of the fifth high-level meeting, soon to be held in Argentina. They also adopted an anti-drug initiative for cooperation in the control of narcotic drugs and psychotropic substances, which will be developed and implemented within the framework of zonal cooperation. In the area of trade, the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Southern Cone Common Market (MERCOSUR) were encouraged to promote cooperation in order to include all member States of the zone in the thriving collaborative ventures that already exist between a number of them.

The zone in many ways contributes to the maintenance of international peace and security. This is done, for instance, through the declared intention of member States to maintain the South Atlantic as a denuclearized region, a situation that has been made possible by the progress made towards the full entry into force of the Treaty of Tlatelolco in Latin America and the signing of the Treaty of Pelindaba in Africa. A nuclear-free South Atlantic would bring closer the achievement of a nuclear-free Southern Hemisphere and, ultimately, a nuclear-free world.

With regard to the settlement of military conflicts in the region of the zone, members of the zone have been urged to contribute to United Nations peacekeeping operations taking place in different parts of other regions and have declared their support for efforts aimed at finding negotiated solutions to all the conflicts. In Angola, the member States of the zone of peace and cooperation of the South Atlantic continue to encourage the United Nations and the Government of Angola to pursue the peace process. In Liberia, they follow the efforts of ECOWAS towards the restoration of peace in that country, including the decision by the Committee of Nine on Liberia following their summit meeting in Accra in May 1996, and the summit meeting in Abuja, Nigeria, on 17 August 1996 to extend the validity of the Abuja Agreement until 15 June 1997.

In the light of the foregoing, member States of the zone of peace and cooperation of the South Atlantic have in this year's resolution requested the support of the international community for the endeavours of Mrs. Ruth Perry, the new Chairperson of the Council of States of the Liberian National Transitional Government. More importantly at this stage of the peace process in Liberia, they have called on the international community to provide necessary assistance to the ECOWAS Monitoring Group (ECOMOG) to enable it to carry out its mandate. This mandate includes the monitoring and verification of ceasefire arrangements, disarmament and the encampment of the warring factions, guarantees for the safety and security of lives and property throughout Liberia and the maintenance of an atmosphere of peace and civility for

the Government to operate in. This call for the provision of assistance to ECOMOG is a repetition of the one made in Security Council resolution 1071 (1996). In this connection, my delegation wishes to express appreciation to the Governments of the United States, the Netherlands, Germany, the United Kingdom and Japan for their contributions to the United Nations trust fund for Liberia to be earmarked for ECOMOG.

We reiterate our appeal that all assistance to ECOMOG from the international community be unfettered and given directly to ECOMOG in a nondiscriminatory manner in order to ensure its continued cohesiveness as a unified peacekeeping force.

Reading through the report of the Secretary-General contained in document A/51/458 of 7 October 1996, my delegation has noted the activities of the organizations and bodies of the United Nations system in response to paragraph 11 of resolution 50/18 of 27 November 1995 and other relevant paragraphs.

We wish to express appreciation to those United Nations agencies and non-governmental organizations which have continued to provide humanitarian assistance to Liberia during the past six years, and to Angola in support of the 1994 Lusaka Protocol. We thank the United Nations Department of Public Information for its radio productions on questions relating to the purposes and objectives of the zone, which it made in four languages for distribution to 800 broadcasting stations worldwide, and for other pertinent productions.

The gesture by the Economic Commission for Europe to share its experiences with Member States of the zone on matters concerning the transport of dangerous goods is a fine example of North-South cooperation which should be encouraged to mutual advantage.

The offer by the International Maritime Organization to assist in addressing the degradation of marine environments through the preparation of project proposals for funding by the United Nations Development Programme (UNDP), the World Bank and the United Nations Environment Programme (UNEP) is fully appreciated, while the programmes of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the field of marine sciences and services cannot but be relevant to the objectives of the zone. These offers would be subject to further consideration during the next high-level meeting of the zone.

In conclusion, my delegation wishes to express its appreciation to the Government of South Africa for hosting the fourth high-level meeting in April 1996, and for its continued coordination of the affairs of the zone. Nigeria looks forward to the usual support of Member States in the adoption of the draft resolution presented on behalf of Member States of the zone (A/51/L.16).

The Acting President: We have heard the last speaker in the debate on this item.

The Assembly will now take a decision on draft resolution A/51/L.16. We shall now begin the voting process. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Kazakstan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia

Against:

None

Abstaining:
United States of America

Draft resolution A/51/L.16 was adopted by 117 votes to none, with 1 abstention, (resolution 51/19).

[Subsequently, the delegations of Estonia, Indonesia, the Lao People's Democratic Republic, Liberia, Mauritius, Nicaragua, Niger and Tajikistan advised the Secretariat that they had intended to vote in favour.]

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 32?

It was so decided.

Agenda item 18

Appointments to fill vacancies in subsidiary organs and other appointments

(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions

Report of the Fifth Committee (A/51/671)

(b) Appointment of members of the Committee on Contributions

Report of the Fifth Committee (A/51/672)

(c) Appointment of a member of the Board of Auditors

Report of the Fifth Committee (A/51/666)

(d) Confirmation of the appointment of members of the Investments Committee

Report of the Fifth Committee (A/51/667)

(e) Appointment of members of the United Nations Administrative Tribunal

Report of the Fifth Committee (A/51/668)

(f) Appointment of members of the International Civil Service Commission

Report of the Fifth Committee (A/51/673)

The Acting President: I first invite members to turn their attention to the report of the Fifth Committee on sub-item (a) of agenda item 18, entitled "Appointment of members of the Advisory Committee on Administrative and Budgetary Questions" (A/51/671).

The Fifth Committee recommends in paragraph 6 of its report that the General Assembly should appoint the following persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 1997: Mr. Ammar Amari, Ms. Denise Almao; Mr. Leonid E. Bidny, Mr. Gérard Biraud and Mrs. Norma Goicochea Estenoz.

May I take it that the Assembly appoints those persons?

It was so decided.

The Acting President: We come now to the report of the Fifth Committee on sub-item (b) of agenda item 18, entitled "Appointment of members of the Committee on Contributions" (A/51/672).

In paragraph 8 of that report, the Fifth Committee recommends that the General Assembly should appoint the following persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 1997: Mr. Iqbal Akhund, Mr. Evgueni N. Deineko, Mr. Alvaro Gurgel de Alencar, Mr. Ju Kuilin, Ms. Isabelle Klais and Mr. Ugo Sessi.

May I take it that it is the wish of the Assembly to appoint those persons?

It was so decided.

The Acting President: I now invite members to turn their attention to the report of the Fifth Committee on sub-item (c) of agenda item 18, entitled "Appointment of a member of the Board of Auditors" (A/51/666).

In paragraph 4 of that report, the Fifth Committee recommends that the General Assembly should appoint the Auditor-General of Ghana as a member of the United Nations Board of Auditors for a three-year term of office beginning on 1 July 1997.

May I take it that the Assembly wishes to appoint this person?

It was so decided.

The Acting President: I now invite members to turn their attention to the report of the Fifth Committee on sub-item (d) of agenda item 18, entitled "Confirmation of the appointment of members of the Investments Committee" (A/51/667).

The Fifth Committee, in paragraph 4 of its report, recommends that the General Assembly should confirm the appointment of the following persons as members of the Investments Committee for a three-year term of office beginning on 1 January 1997: Ms. Francine Bovich, Mr. Peter Stormonth Darling and Mr. Takeshi Ohta.

In the same paragraph, the Fifth Committee also recommends that the General Assembly should confirm the appointment of Mr. Fernando G. Chico Pardo to fill the remainder of a three-year term of office expiring on 31 December 1997.

May I take it that it is the wish of the Assembly to confirm the appointment of those persons?

It was so decided.

The Acting President: We now come to the report of the Fifth Committee dealing with the appointment of members of the United Nations Administrative Tribunal under sub-item (e) of agenda item 18 (A/51/668).

In paragraph 4 of that report, the Fifth Committee recommends that the General Assembly should appoint the following persons as members of the United Nations Administrative Tribunal for a three-year term of office beginning on 1 January 1997: Mr. Julio Barboza and Mr. Mayer Gabay.

May I consider that the Assembly appoints those persons?

It was so decided.

The Acting President: We now turn to the report of the Fifth Committee on sub-item (f) of agenda item 18, entitled "Appointment of members of the International Civil Service Commission" (A/51/673).

In paragraph 4 of that report, the Fifth Committee recommends that the General Assembly should appoint the following persons as members of the International Civil Service Commission for a four-year term of office beginning on 1 January 1997: Ms. Corazon Alma de Leon, Mr. Alexander V. Chepourin, Mr. Humayun Kabir, Mr. Ernest Rusita and Mr. El Hassane Zahid.

May I take it that the General Assembly appoints those persons?

It was so decided.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-items (a), (b), (c), (d), (e) and (f) of agenda item 18?

It was so decided.

Programme of work

The Acting President: I should like to inform members that on Tuesday, 26 November, in the morning, the Assembly will take up agenda item 11, entitled "Report of the Security Council".

Next, I should like to recall, for the attention of delegations, General Assembly resolution 50/167 of 22 December 1995 entitled "Traffic in women and girls", by which the General Assembly decided, in connection with the International Day for the Abolition of Slavery, to devote one meeting of the fifty-first session of the General Assembly to the discussion of the problem of trafficking in human persons, especially women and children. I should like to propose that the Assembly hold a plenary meeting on Friday, 6 December 1996, in the morning, devoted to the discussion of this issue.

If there is no objection, may I take it that the Assembly agrees to devote one plenary meeting on Friday, 6 December 1996, in the morning, to the discussion of the problems of trafficking in human persons, especially women and children.

It was so decided.

The Acting President: The lists of speakers for agenda item 11 and for the plenary meeting to be held on 6 December 1996 are now open.

The meeting rose at 11.05 a.m.

United Nations A/51/PV.59

General Assembly

Fifty-first Session

Official Records

59th plenary meeting
Tuesday, 19 November 1996, 10.00 a.m.
New York

President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order at 10.10 a.m.

Tribute to the memory of Mr. Ahmed Zaki, Permanent Representative of Maldives to the United Nations

Tribute to the memory of Mr. Paul John Firmino Lusaka, former President of the General Assembly

The President: This morning, before we take up the items on our agenda, the General Assembly will pay tribute first to the memory of Mr. Ahmed Zaki, who served as Permanent Representative of Maldives to the United Nations from 1979 to 1983 and from 1994 until the time of his death on 15 November 1996.

Ambassador Zaki had a distinguished career as a respected civil servant and an esteemed diplomat. He was Prime Minister of his country from 1979 to 1983, in addition to holding a number of ministerial posts. He will be remembered for the devotion with which he served his country and the cause of the United Nations.

On behalf of the General Assembly, I request the representative of Maldives to convey our heartfelt condolences to the Government of Maldives and to the bereaved family of Ambassador Zaki.

The General Assembly will also pay tribute to the memory of Mr. Paul John Firmino Lusaka, President of the General Assembly at its thirty-ninth session.

Mr. Lusaka, a distinguished diplomat, had a long and outstanding association with the United Nations. As the chief representative of his country, Zambia, to the United Nations during the 1970s and 1980s, Mr. Lusaka, as President of the Security Council, the Economic and Social Council and the United Nations Council for Namibia played a prominent role in the Organization and made major contributions towards the achievement of the objectives set out in the Charter of the United Nations.

On behalf of the General Assembly, I should like to convey our profound condolences to the Zambian delegation and to ask the delegation to convey our sympathy to the bereaved family of Mr. Lusaka.

I now invite members of the Assembly to stand and observe a minute of silence in tribute to the memory of the late Permanent Representative of Maldives to the United Nations, Mr. Ahmed Zaki, and of the late former President of the General Assembly, Mr. Paul Lusaka.

The members of the General Assembly observed a minute of silence.

The President: I now call on the Secretary-General.

The Secretary-General: I was deeply saddened to learn of the deaths of Ahmed Zaki, Permanent Representative of the Republic of Maldives to the United Nations, and of Paul Lusaka, former President of the General Assembly.

96-86846 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Ambassador Zaki gave a lifetime of public service to his country as Prime Minister of the Maldives from 1972 to 1975, Attorney General from 1983 to 1990 and Speaker of the Maldives Parliament from 1990 to 1993. Mr. Zaki was a leading spokesman for the rights and interests of small States and small islands. His domestic civil service and political career spanned more than 40 years.

Mr. Zaki was appointed Permanent Representative of the Maldives to the United Nations in 1994, having also served in that capacity from 1979 to 1983. His death after a long illness is a great loss to the Maldives and to the entire international community.

Mr. Paul Lusaka devoted his life to domestic and international public service. He was a man of great vision and honour, whose dedication and commitment to the cause of peace and development in Africa was an inspiration to all of us.

As President of the United Nations Council for Namibia from 1979 to 1986, Mr. Lusaka worked hard to ensure that the cause of Namibian independence remained at the top of the international agenda.

Paul Lusaka's diplomatic career spanned more than two and a half decades. He served Zambia with distinction as its Permanent Representative to the United Nations on two occasions, in 1972 and 1973 and from 1979 to 1986. He was universally respected and admired by those who worked with him. He was a close and dear friend.

As President of the Security Council in 1979, of the Economic and Social Council in 1981 and as President of the General Assembly in 1984-1985, Paul Lusaka made an immense contribution to the work of the United Nations. His death has robbed the world of a great ambassador for the United Nations ideals of peace, democracy and international understanding.

In his opening address to the thirty-ninth session of the General Assembly, Mr. Lusaka emphasized that the United Nations needed a rebirth and a renaissance. He added:

> "We have the instrumentality, so we must have the will. We have the dangers, so we must have the courage to overcome them. We have the Charter, so we must have the capacity to implement it." *(Official Records of the General Assembly, Thirty-ninth Session, Plenary Meetings, 1st meeting, para. 98)*

These words are no less relevant today. Mr. Lusaka will be missed by the entire United Nations family.

The President: I now call on the representative of Cameroon, who will speak on behalf of the Group of African States.

Mr. Mpay (Cameroon) *(interpretation from French)*: It is with deep emotion and sadness that the African Group, on whose behalf I speak, has learned of the death on 9 November 1996 in Washington of Mr. Paul Lusaka, who, during his tenure as Permanent Representative and Ambassador of Zambia to the United Nations, assumed the very important functions of President of the General Assembly, of the Security Council, of the Economic and Social Council and, in particular, of the United Nations Council for Nambia.

It is with the same emotions and sadness that the African Group has learned of the death, on 15 November 1996 at Mount Elizabeth Hospital in Singapore, of Mr. Ahmed Zaki, Ambassador and Permanent Representative of the Maldives to the United Nations.

Ambassador Lusaka, to whose memory we pay tribute, was a great champion of the African cause and worked ardently to free Africa, particularly Namibia. His tireless efforts during this period contributed not only to Nambia's accession to international sovereignty but also to Africa's complete liberation from the yoke of colonialism and from apartheid. His death deprives Africa of one of its great sons, who was so dearly cherished and beloved. We will always remember him as a great visionary who loved his country, Africa and the entire world. The African Group conveys its deepest condolences to the Government and people of Zambia as well as to his family, to whom we express our most heartfelt compassion.

Ambassador Ahmed Zaki was still among us not too long ago, and together, we were like a family. He was a political man, a magistrate and a skilled diplomat who was conspicuous by his love for his brethren, his kindness and his generosity. He always worked tirelessly to alleviate human suffering and to bring people together. With his death we lose a guide, a counsellor, a friend, and a visionary for universal causes.

The African Group conveys to the Government and people of the Maldives and to the bereaved family its deepest condolences and sympathy.

The President: I call on the representative of Lebanon, who will speak on behalf of the Group of Asian States.

Mr. Moubarak (Lebanon): On behalf of the Asian Group of States Members of the United Nations, I wish to pay tribute to the memory of two distinguished and prominent figures in the diplomatic world, whom we lost recently: Mr. Paul John Firmino Lusaka, former Permanent Representative of Zambia to the United Nations, who served as President of the thirty-ninth session of the General Assembly; and Mr. Ahmed Zaki, former Permanent Representative of the Republic of Maldives to the United Nations.

Both Mr. Lusaka and Ambassador Zaki played important roles in their countries and at the United Nations. Mr. Lusaka served as a Member of Parliament in Zambia from 1973 to 1978. He was appointed a Member of the Cabinet and served during different periods as Minister of Rural Development, Minister of Power, Transport and Communication, and Minister of Health. He also acted as Minister of Finance, Foreign Affairs, Commerce and Foreign Trade, Lands and Natural Resources, Legal Affairs and Works. He served as Ambassador Extraordinary and Plenipotentiary of his country to the United States and also as Permanent Representative of Zambia to the United Nations for four years. In that capacity he presided over the United Nations Council for Namibia, the Security Council, the Economic and Social Council and the thirty-ninth session of the General Assembly. He also served as a member of the Board of Trustees of the United Nations Institute for Training and Research (UNITAR), to mention but a few of the many activities through which he sought to make a substantive contribution, which will always be remembered and appreciated.

Ambassador Zaki served as Prime Minister of the Republic of Maldives, Minister of Trade and Food, Minister of Justice and Minister of External Affairs. He served as Speaker of the Parliament and also as Attorney General. His untimely passing has deprived us of a friend and of a dear and highly esteemed colleague in the United Nations community, and his country of a very capable diplomat.

In our working environment, which is quite often hampered by diplomatic trimmings that often tend to blur the essence of our work, Ambassador Zaki's calm and resolute approach to all tasks he undertook acted as a a catalytic force around which consensus would develop and progress in our common endeavours would be achieved. His dedication to his work at the United Nations will always be remembered and very much appreciated.

In making these brief remarks about Ambassador Zaki, I would be remiss if I did not mention the many qualities that so endeared him to all who were like me, fortunate enough to know and associate with him. Mr. Lusaka's and Ambassador Zaki's long careers were landmarks in dedication.

On behalf of the Asian Group, I should like to express my deepest sympathy to the family and friends of Mr. Paul Lusaka and of Ambassador Ahmed Zaki and my sincere condolences to the Governments, peoples and Permanent Missions of Zambia and the Maldives.

The President: I now call on the Representative of The former Yugoslav Republic of Macedonia, who will speak on behalf of the Group of Eastern European States.

Mr. Maleski (Former Yugoslav Republic of Macedonia): On behalf of the States of the Eastern European Group, allow me to express our deepest condolences to the people and the Government of Zambia on the death of Mr. Paul Lusaka, President of the thirty-ninth session of the General Assembly.

It was also with great sadness that we heard the news of the passing of our colleague, the Permanent Representative of the Republic of Maldives, Ambassador Ahmed Zaki. We convey our deepest condolences to the family of the late Ambassador and to the Government of the Maldives.

The President: I now call on the representative of Jamaica, who will speak on behalf of the Latin American and Caribbean Group.

Miss Durrant (Jamaica): On behalf of the member States of the Latin American and Caribbean Group; I wish to pay tribute to the life and work of two distinguished diplomats, Mr. Paul Lusaka, former Permanent Representative of Zambia, and the late Ambassador Mr. Ahmed Zaki of the Maldives.

Ambassador Lusaka was a distinguished diplomat and public servant. He made a tremendous contribution to his country and his region in the many capacities in which he was called upon by his nation and the international community to serve. He committed his life to public service, first as a teacher and then as a civil servant, a diplomat and a Minister of Government. He

was part of that generation of diplomats who had to guide their countries on the international stage immediately after independence. His quick rise through the ranks of the foreign service of his young nation was a tribute to his skills and his commitment to service.

The United Nations system benefited from his skills and experience as his country's Permanent Representative to the United Nations on two occasions and as President of the General Assembly at its thirty-ninth session, President of the Security Council, President of the Economic and Social Council and President of the United Nations Council for Namibia. Ambassador Lusaka held other important positions in the bureaux of the Organization. He will be remembered for his keen intelligence, wit and persuasiveness and for the easy manner in which he was able to relate to representatives from all parts of the world. His skill in dealing with a wide range of economic and political issues was legendary.

The United Nations system has certainly been enriched by his contribution and we pay tribute to the Government and people of Zambia and the family of this outstanding public servant and diplomat for his many contributions to the Organization and the global community.

Our delegations also pay tribute to Ambassador Lusaka for his contribution to the strengthening of relations between his country, and a number of our Member States, including my own country, to which he was accredited as High Commissioner and Ambassador.

On behalf of the member States of the Latin American and Caribbean Group, I extend sincere condolences to the family of Ambassador Lusaka and to the Government and people of Zambia. We do so with a sense of gratitude for the contribution he made to the United Nations system and to the international community as a whole.

A distinguished and dedicated public servant, Ambassador Ahmed Zaki of the Maldives served his nation within many sectors of public life. As holder of several ministerial portfolios, he had the honour to serve as Prime Minister of the Maldives and as Speaker of the Maldives Parliament.

The United Nations benefited from his skills and experience during his tenure as Permanent Representative, first from 1979 to 1983 and again from 1994 to 1996. As a representative of an archipelagic and atoll State, Ambassador Zaki took a keen interest in issues affecting small island developing States. We benefited from his continuous emphasis on the need for the international community to understand both the fragility of these States and the threat to their survival posed by environmental damage. Indeed, he was one of the people who have ensured that the Maldives took a leading role on the issues of climate change and global warming.

The member States of the Latin American and Caribbean Group join with the delegation of the Maldives in mourning the loss of our colleague and pay tribute to his life and work, which have helped to enrich this Organization and the nation he served for most of his life.

The President: I now call on the representative of Belgium, who will speak on behalf of the Group of Western European and other States.

Mr. Reyn (Belgium) (*interpretation from French*): It was with sadness that we learned of the death of Ambassador Ahmed Zaki, the Permanent Representative of Maldives. He held many important political functions, including Prime Minister in several of his country's Governments. He had a distinguished career in multilateral diplomacy and in Brussels with the European Communities, but particularly in the United Nations, where his second mandate began in 1994 and where his work was appreciated by all.

On behalf of the Group of Western European and other States, I would take this opportunity to send our most sincere condolences to the delegation of the Maldives, its Government and particularly to the family of Ambassador Zaki.

On behalf of the members of the Group of Western European and other States, I would also like to associate myself with the most sincere condolences that have been expressed on the passing away of a great diplomat, Ambassador Paul Lusaka. We will remember him as an eminent President of the General Assembly and particularly as a President of the United Nations Council for Namibia. With his passing, the United Nations has lost a great statesman and a great friend.

The President: I now call on the representative of the United States of America on behalf of the host country.

Mr. Marrero (United States of America): On behalf of the United States, as host country, I would like to express my Government's deep regret at the tragic loss to Maldives and to Zambia, to the United Nations and to the

world of two esteemed colleagues and close friends: the Permanent Representative of Maldives, Ambassador Ahmed Zaki, and Zambia's former Ambassador to the United States and to the United Nations, Mr. Paul Lusaka.

I am sure that the international community will miss their positive and pragmatic voice in this Assembly and in the other forums in which they worked. Both Ambassador Zaki and Ambassador Lusaka stood for the highest ideals of their chosen profession and we offer our condolences to the Governments and the peoples of the Republic of Maldives and of Zambia on their passing.

We pay special tribute to their steady commitment to the ideals of peace and non-violence. Both Ambassador Zaki and Ambassador Lusaka's service to Maldives and to Zambia, to the international community and to their people extended many years and is an extraordinary testament to their probity, discretion and dedication.

Finally, I would like to extend a personal expression of sympathy to the families of Ambassadors Zaki and Lusaka. The world shares their sorrow and we ask God to grant them solace, faith and strength at such a difficult moment.

The President: I call on the representative of Maldives.

Mr. Didi (Maldives): This morning, I am speaking in order to perform a very sad duty. I stand before the Assembly to respond to the moving tribute and the kind words of sympathy that you, Mr. President, the Secretary-General and other members of the Assembly have extended on the occasion of the passing away of our Permanent Representative to the United Nations, His Excellency Mr. Ahmed Zaki.

On behalf of the Government of Maldives and the members of my country's delegation to the fifty-first session of the General Assembly, on behalf of Ambassador Zaki's bereaved family and on my own behalf, I wish to express the most sincere gratitude for these touching expressions of sympathy in this hour of grief to all of us.

Ambassador Zaki was not only a seasoned diplomat, he was a veteran politician, too. Besides being Prime Minister of Maldives from mid-1972 to early 1975, he had also held many other important posts during his four decades of selfless service to the country and the Government. Prominent among them were the posts of Attorney General and Minister of External Affairs. He had also been Speaker of the Citizens' *Majlis* — our Parliament — on three different occasions. In addition to being Permanent Representative of Maldives to the United Nations, Ambassador Zaki was also the High Commissioner of Maldives to the United Kingdom at the time of his death.

As a person, he was very dedicated to his family and was a dear friend to all who knew him well, both at home and abroad. With his untimely demise, Maldives has lost an able statesman and a true son of the country, who will be hard to replace.

In closing, I wish to assure you, Mr. President, that I shall convey the sentiments that you and the other speakers have expressed to my Government, to Mrs. Zaki and to the other members of our late Permanent Representative's family, on whose behalf I thank you once again.

Finally, I should like to associate myself with the words of sympathy that you, Sir, the Secretary-General and other speakers extended on the passing away of Mr. Paul Lusaka, President of the thirty-ninth session of the General Assembly and former Permanent Representative of Zambia to the United Nations. On behalf of the Maldivian delegation to the current session of the General Assembly and on my own behalf, I should like to convey our sincere condolences to the Government of Zambia and to the family of Ambassador Paul Lusaka.

The President: I now call on the representative of Zambia.

Mr. Kasanda (Zambia): I should like to thank the President of the General Assembly for organizing this moment this morning, enabling members of the Assembly to remember and to pay tribute to Ambassador Paul Lusaka, who peacefully passed away on 9 November 1996, in Washington, D.C., after a long illness.

Ambassador Lusaka was born in Zambia in January 1935. He received his basic education in his native country, Zambia. He proceeded to the University of Lesotho, where he obtained an M.A. degree. Later on he moved on to the University of Minnesota and after that received an honorary Doctor of Laws degree from McGill University in Canada.

Paul Lusaka served in Zambia with distinction and courage, having been appointed to several Cabinet ministerial posts: Minister of Rural Development,

Minister of Transport and Communications, and Minister of Health. During that period he earned the respect of his Cabinet colleagues for his integrity and honesty.

Paul Lusaka served the United Nations in several capacities, including as Ambassador of his country. From January 1979 to December 1980, he was the chief Zambian delegate to the Security Council. In 1981, he served as President of the Economic and Social Council. In September 1984, Paul Lusaka was elected President of the thirty-ninth session of the General Assembly. This was a great honour accorded to him, as an individual and as a representative of his country, Zambia. From 1979 to 1986, Ambassador Lusaka had the privilege of serving as President of the United Nations Council for Namibia. In each of these capacities, Paul Lusaka served the Organization with commitment, courage and distinction.

Paul Lusaka's life was one of service to his fellow human beings. He employed his diplomatic skills to the improvement of people's condition. As chief spokesman, Paul Lusaka articulated and reinforced the efforts of all his colleagues on the Council in building an international consensus on the right of Namibia to freedom and independence. He also participated in the Commonwealth group that witnessed the historical elections that ushered in a free South Africa.

My delegation is greatly touched by the various tributes expressed this morning, and we undertake to convey to the Zambian Government and to the bereaved family the various kind words of comfort that were expressed this morning.

We are also grateful for the honour bestowed on Paul Lusaka through this ceremony of remembrance for the humble contribution that he made in the service of the United Nations.

I should also like on this occasion to associate the Zambian delegation with the many tributes that have been paid to the delegation of Maldives on the loss of Ambassador Zaki. He was a valuable asset to his country, having served as Prime Minister and as minister with various portfolios.

Agenda item 50

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General transmitting the third annual report of the International Tribunal (A/51/292)

The President: May I take it that the Assembly takes note of the third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991?

It was so decided.

The President: I call on Mr. Antonio Cassese, President of the International Tribunal.

Mr. Cassese (President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991): Let me first of all express my deep gratitude for the signal honour the General Assembly has shown me in once again inviting me to address the Assembly on the activities of the International Criminal Tribunal for the former Yugoslavia over the past 12 months.

May I take this opportunity also to express my deep gratitude and that of all the judges at The Hague to the Secretary-General, Mr. Boutros Boutros-Ghali, a statesman of great vision and deep moral commitment, who significantly contributed to the establishment of our Tribunal and has supported it consistently and unreservedly.

As members know, The Hague Tribunal has now been in existence for three years. In this third year, much headway has been made. When I last addressed the General Assembly, on 7 November 1995, the war in the former Yugoslavia had just stopped raging and the Tribunal's work was still affected in practical terms by the consequences of the conflict. We had only one of the then 43 indictees in our Detention Unit at The Hague, and no trial had commenced. In the subsequent period, a real breakthrough has occurred. Armed conflict has ceased and violence has been muted, if not in the minds of the contending parties then at least in the streets, towns and villages of the former Yugoslavia. The cessation of hostilities on the ground and the engagements undertaken by the parties to the Dayton Agreement have had a beneficial knock-on effect on the activities of our Tribunal. We now have seven persons in our Detention

Unit at The Hague and, what is even more important, we have been able to commence our judicial activities proper.

The first trial, the Tadic case, is about to finish and in another case, where the accused has pleaded guilty, sentencing proceedings are being held today and tomorrow at The Hague, and a sentence will be delivered in a few weeks. Two trials will be initiated in the next few months, one against one accused, the other against four accused. In other words, criminal proceedings against all seven persons in prison have either commenced or have already been held.

Thus, at long last, international criminal justice is being dispensed. For the first time since Nuremberg and Tokyo, individuals have been subjected to the impartial scrutiny of international justice on charges of the most serious crimes known to mankind. International accountability of individuals for breaching the tenets of international law has become a living reality. We envisage and are working towards more trials commencing next year if cooperation from States is forthcoming.

At the same time, the Tribunal, faced with the non-execution of most arrest warrants, has shown its resolve not to be thwarted by the inaction of States or by the attempts of individuals to evade international justice. The Tribunal has thus had to resort on five occasions to the special procedure contemplated in rule 61 of the Tribunal's Rules of Procedure and Evidence. In these five cases, the evidence gathered by the Prosecutor has been made public in open court, the indictments have been confirmed by a Trial Chamber and international arrest warrants have been issued via Interpol. In addition, the Tribunal's President, at the Trial Chambers' request, has brought to the attention of the Security Council the failure of some States or Entities of the former Yugoslavia to execute arrest warrants in these cases, thereby breaching their international legal obligation to cooperate with the Tribunal.

In spite of the progress made, one should not be blind to one major and almost insurmountable difficulty the Tribunal faces almost every day. This is the persistent lack of real cooperation by some States and Entities of the former Yugoslavia: most of them fail to obey the injunctions of the Tribunal to arrest indictees on their territory. This accounts for the huge gap between the number of indictees — 74 — and the number of accused detained in our prison at The Hague — seven.

In my two previous addresses to the General Assembly, in 1994 and 1995, I emphasized that the Tribunal lacks any enforcement agency of its own. Therefore, its orders can be executed only if the States and Entities concerned are willing to do so. Time and again, I have appealed strongly to all States, and more particularly to those of the former Yugoslavia, to put in place all the measures necessary to enable the Tribunal to fulfil its mission. The Dayton Agreement restated, strengthened and spelled out the already existing obligation of States to cooperate with our Tribunal. In addition, it extended that obligation to the two Entities composing Bosnia and Herzegovina, namely the Federation of Bosnia and Herzegovina and Republika Srpska. However, as far as the Tribunal is concerned, since its signing in Paris nearly a year ago, on 14 December 1995, most of the Agreement's promises have remained a dead letter. Some parties to the Agreement have simply failed to implement it in a crucial area: the apprehension of persons indicted by the Tribunal and their surrender to The Hague.

This applies, in particular to Serbia and Montenegro and to Republika Srpska. They have refused so far to arrest any indictee on their territory on the pretext that the arrest and surrender of indictees having their nationality would be contrary to their constitutions, which prohibit the extradition of their nationals to other States. In this regard, I would like to say most emphatically that this argument is utterly fallacious. First, the surrender of indictees to the Tribunal, an international judicial body established by the Security Council under Chapter VII of the Charter of the United Nations, has nothing to do with the extradition of nationals to other States.

Secondly, there exists in any case a universally accepted principle of international law whereby States cannot claim that their national legislation, including their constitution, prevents them from complying with international legal obligations. Were States to be allowed to depart from this fundamental principle of international law, total anarchy would ensue, because quite a few States would try to hide behind their national legislation to evade international legal obligations.

Other States and entities of the former Yugoslavia have instead passed legislation implementing the Tribunal's statute and permitting the arrest and delivery of indictees, including their own nationals. This holds true for Bosnia and Herzegovina and for Croatia. The attitude of Bosnia and Herzegovina is cooperative. Notably, the Sarajevo authorities have arrested and delivered the only two indictees on their territory. It is to be hoped that this attitude will survive the transition to common institutions under the Dayton peace agreement. It is a matter of regret

that the Federation of Bosnia and Herzegovina has so far failed to execute our arrest warrants. Similarly, it must be regretted that Croatia has failed both to exercise its indisputable influence and authority over Bosnian Croats to apprehend and deliver them to the Tribunal and to execute arrest warrants in Croatia itself, notably in the case of two leading figures, Ivica Rajic and Dario Kordic.

Clearly, if this lack of cooperation were to continue, the very credibility of international institutions would be at stake. Why create a new international body, endowed with the exalted aim of rendering justice, and then withhold the means necessary for it to fulfil its mission? Unlike Nuremberg, the present Tribunal was not established to do victors' justice, but to dispense victims' justice. How shall we heed the demands for justice of the victims and their relatives if we are not enabled fully to discharge the judicial mission vested in us? I therefore ask the Permanent Representatives of Serbia and Montenegro and of Croatia whether their Governments intend to cooperate with the Tribunal. If they do, let them demonstrate their good faith by arresting and delivering those indictees who are on their territory.

In the next few months, I propose to report, in a formal meeting to the Tribunal's parent organ, the Security Council, on the current complex problems besetting our work at The Hague. I trust that many States Members of the United Nations will participate in such a future debate.

I will now mention three major criticisms which have been made of our Tribunal and endeavour to respond to them. The Hague Tribunal has sometimes been accused of being biased. In particular, some States have argued that we show prejudice against the Serbs. In this regard, I would like to make two points. First, much of the Tribunal's investigations so far into crimes in which Serbs are the victims have been substantially hampered by the very refusal of Pale and Belgrade to cooperate with our Tribunal.

My second point is more general and goes to the heart of the very nature of international criminal justice. The Tribunal tries individuals. It does not try peoples, nations or States, although, of course, its trials may involve factual determinations as to the behaviour of States or Governments. Individuals are prosecuted when the Prosecutor has evidence that they have committed crimes within the Tribunal's jurisdiction. Prosecuting individuals on this basis is by definition even-handed and non-discriminatory, because it does not involve an enquiry as to the religion, nationality or ethnicity of an accused person.

It is axiomatic that the Tribunal, a judicial organ, is absolutely impartial. The question bears asking: "What could the Tribunal possibly hope to gain by adopting a biased or partial approach?" We at The Hague are ever conscious in this respect of the words of the Chief United States Prosecutor, Justice Robert Jackson, at Nuremberg, when he said:

> "We must not forget that the record on which we judge the defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our lips as well".

These words are equally true of the International Criminal Tribunal for the former Yugoslavia.

I shall now move on to a second criticism levelled at the Tribunal by a number of non-governmental organizations and some segments of public opinion. They have assailed us for trying only the so-called "small fry", rather than the principal architects of the appalling atrocities in the former Yugoslavia. It is indeed true that the Tribunal's jurisdiction pre-eminently involves the prosecution of crimes that form part of a systematic policy, rather than isolated acts of individual viciousness. The Tribunal aims to reach those who orchestrated crimes committed on the ground — that is, military and political leaders. For this purpose, however, it may prove necessary to try both the subordinates and their superiors. When the trials of so-called "small fry" take place, therefore, they are designed not only to render justice for atrocious crimes allegedly committed by those persons, but also to produce evidence against the higher echelons of the military and political command structure.

A third criticism that has been levelled at the Tribunal is that its Rules of Procedure and Evidence have been overamended. Before I rebut this criticism, let me remind the Assembly that the passing of rules to govern the conduct of criminal proceedings is among those functions that are not normally exercised by judges. In all our national legal systems, the legislature enacts laws or codes on criminal procedure and the judges interpret and apply them. The judiciary is quite distinct from the legislative branch. However, the situation is quite different for us at the international level. The Security Council rightly entrusted the judges with this novel task, in an area where there were few or no precedents. Let me stress, however, that, whenever our Judges are called upon to fill in the gaps left by the statute, they do so within the limits set by the Security Council. No rule of

procedure, nor any amendment to such a rule, may infringe the principles laid down in the statute of our Tribunal.

Turning now to the specific criticism about overamending our rules, I should point out that it was essential, in the interests of justice, to amend the rules in the light of new problems that arose or unanticipated situations that occurred. Our Rules of Procedure have been amended for a variety of reasons: to enhance the rights of the accused; to help to better protect victims and witnesses; to take account of the views of the host country, the Netherlands; to improve the consistency, clarity and comprehensiveness of the rules; and for many other reasons. One might ask: Why were the rules not perfectly comprehensive, consistent and clear in the first place? To ask this question is to answer it. It would have been simply impossible for the first truly international criminal tribunal to have adopted the first ever international criminal procedural and evidentiary code from a first draft dealing perfectly with all the diverse issues with which the Tribunal has to cope: namely, all the stages of a criminal trial — investigations, indictment, pre-trial hearings, trial, appeal, review.

By way of conclusion, let me revert to a point I made earlier. Despite its indisputable and significant accomplishments, the Hague Tribunal is grappling every day with a huge problem: the lack of real cooperation by some States and entities of the former Yugoslavia. This is a massive stumbling block on our path towards justice. We at The Hague fervently hope that this attitude will be discontinued very soon.

It will be recalled that under Article 227 of the Treaty of Versailles the Emperor Wilhelm II of Germany was arraigned for

> "a supreme offence against international morality and the sanctity of treaties".

Yet, he was never tried. The message to the international community at that time was clear: individual leaders were immune from prosecution. In this climate, Hitler, if questioned as to whether he thought he could get away with his genocidal policies in Europe, could have said with confidence: "But who remembers the victims of so many crimes committed during the First World War?" Fortunately, the spark of Versailles was rekindled after the Second World War, when the major Axis war criminals were brought to justice at Nuremberg and impunity was checked.

Now, again, the supreme bodies of the United Nations have pledged to punish, at the international level, egregious offenders. And yet, that pledge, too, is currently in danger of being undermined by the persistent refusal of some States and entities to arrest and bring to justice those allegedly responsible for massive violations of international law.

Members of the General Assembly, I must ask you: Did you not pledge in 1993, on behalf of the innumerable victims of atrocities in the former Yugoslavia, that the culprits would be brought to book? I must ask you: Does the Tribunal still have your support to carry out this mission? Let us ensure today that no future leader can say with impunity: "But who remembers the war crimes and genocide perpetrated in the former Yugoslavia?"

At The Hague we are, of course, aware that the International Tribunal cannot escape the harsh realities of the present world community. In 1947, Henry Stimson, who had served as United States Secretary of State and Secretary of War, reflecting on Nuremberg, wrote:

> "International law is still limited by international politics, and we must not pretend that either can live and grow without the other".

To some extent these words hold true for our Tribunal as well. We are aware that we are different from domestic criminal courts, which may and indeed must be blind to any political reality, because the executive and legislative branches of government take care of political problems ancillary to the administration of justice. By contrast, the International Tribunal has no executive or legislative branch of government to turn to, and, in addition, it tries large-scale crimes such as genocide committed during prolonged internal and international armed conflicts. Consequently, the Hague Tribunal cannot ignore the general political context within which its action unfolds. We think, however, that international justice must not be conditioned by, let alone capitulate to, political exigencies. It is our pledge that we shall do whatever is legally permitted to international judges to ensure that the long-term demand for international justice of all States prevails over the short-term political interests of a few States.

Mr. Agathocleous (Cyprus), Vice-President, took the Chair.

Mr. Fulci (Italy): First I would like to thank the President of the International Criminal Tribunal for the

Former Yugoslavia, Judge Cassese, for the statement he has just delivered, which provides a clear and insightful account of the Tribunal's activities during the past year. We were particularly pleased to hear about the many achievements of the Tribunal. As the President has rightly pointed out, for the first time since Nuremberg and Tokyo, international criminal justice is now being dispensed concretely by the Yugoslav Tribunal. Trials against a number of accused persons are about to finish or will be initiated shortly. Impressive work has been done towards subjecting other individuals to the scrutiny of the Tribunal. Since last year's report, other indictments have been handed down and confirmed by the judges. Several international arrest warrants have been issued. The Appeals Chamber has rendered a judgment that has come to be regarded as a fundamental pronouncement on the current status of international criminal law and humanitarian law. Italy wishes to commend here the skill and dedication of all members of the various organs of the Tribunal, who made it possible to obtain these results.

At the same time, the report underlines the difficulties which lie ahead in the performance of the Tribunal's functions. Although the Dayton Agreement confirmed and reinforced the obligation of States to cooperate fully with the Tribunal, failure to comply with this obligation by some States and Entities in the former Yugoslavia still represents a major obstacle to prosecution and punishment of those responsible for some of the most serious crimes against mankind. In particular, the report raises the issue of the apprehension of persons indicted by the Prosecutor and their consequent surrender, pointing out the enormous gap between the number of indictees — 75 — and the accused already detained — only seven.

As a country that has constantly supported the activities and role of the Tribunal, Italy must reiterate that it is incumbent upon all the parties concerned to cooperate with the Tribunal in the most complete and effective way. This is also a clear priority for the consolidation phase in Bosnia and Herzegovina, as emphasized at the recent Paris meeting of the Steering Board of the Civilian Implementation Conference. There is no justification for not executing the arrest warrants that have been issued, and thus jeopardizing the credibility of the Tribunal.

In this respect, it is also essential that States adopt the legislative, administrative and judicial measures necessary for prompt implementation of the Tribunal's decisions. The report indicates that although a number of additional States have enacted implementing legislation to carry out their responsibilities, the situation on the whole remains unsatisfactory. We hope to see improvement in this area in the near future.

Adequate financial support for the Tribunal remains equally imperative, as does with the cooperation of States in enforcing the sentences of imprisonment imposed by the Tribunal. Italy, among other States, has indicated its willingness to carry out the enforcement of prison sentences pursuant to article 27 of the Tribunal's statute.

As stated in the Tribunal's report, international accountability of individuals for breaching norms of international humanitarian law has become a reality. The establishment by the Security Council of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 has been decisive in producing this important result. The action carried out by the Tribunal for the former Yugoslavia since 1993 stems from the determination of the community of States to avoid impunity for the most heinous crimes of international concern. This action must continue. We are committed to its success.

At the same time, there is a need to complete the institutional framework for prosecution and punishment at the international level of serious violations of international humanitarian law, wherever and by whomever they are committed. Italy has consistently advocated the creation of a permanent international criminal court, and has recently renewed its offer to host a conference in 1998 to adopt the statute for such a court. The experience and achievements of the Yugoslav Tribunal will, of course, be of crucial importance for the establishment of a permanent international criminal court. This is another reason for our full, unconditional and unreserved support for the Tribunal for the former Yugoslavia.

Mr. Sucharipa (Austria): There is no peace without justice, no justice without law. In the case of the former Yugoslavia, this elementary truth has found its reflection in the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, by

Security Council resolution 827 (1993). The Tribunal has been called upon to defend and to act in pursuance of this basic principle of humanity in relation to an area where it is of particular relevance.

Thus, the Tribunal forms part of the efforts of the international community for the restoration and maintenance of international peace and security in the former Yugoslavia. Success or failure of the Tribunal, whose activities are dependent upon cooperation of the States and other political entities concerned, will have direct repercussions on the peace process. The justice which is to be administered through the Tribunal is an essential element of reconciliation and of reestablishment of the rule of law.

The Tribunal is called upon to defend law and justice. Its activities, however, are not related only to the crimes already committed — which the international community is determined to punish — but are also a signal that future crimes will be prosecuted. This preventive effect should not be overlooked.

We have just heard the eloquent statement of Mr. Cassese, his passionate appeal for improved cooperation with the Tribunal by all concerned, and his warning that a lack of such cooperation would undermine the credibility of the Tribunal's activities and, in so doing, would jeopardize the credibility of the overall efforts of the international community. The crimes within the competencies of the Tribunal are of international concern. All States are affected by their commission and they therefore have not only a right, but also a duty to cooperate in the prosecution of such crimes with a view to avoiding impunity for such heinous acts as those that were committed in the former Yugoslavia.

Exactly the same argument prevails as far as the crimes committed in Rwanda are concerned. In both cases, we deeply deplore that the creation of these Tribunals has become necessary. Crimes of the most serious nature and unimaginable cruelty, which place the criminals outside of humanity, have called for determined action by the international community. This action, in both cases — former Yugoslavia and Rwanda — deserves our full support.

We note therefore with satisfaction that the recent report of the Yugoslav Tribunal reveals increasing activity by that organ. As President Cassese told to us this morning, the first trial — the Tadic case — is about to finish. Two others, one of them against four accused, are now in the pre-trial phase. Thus, criminal proceedings against all seven persons in prison have either commenced or have already been held.

This increase of activity also required new legislative activities, as it was necessary to formulate a full and appropriate legal setting for the administration of justice. Problems appeared in the course of practice that were not anticipated at the time of the Tribunal's establishment. In the course of its first case, the Tadic case, fundamental questions were raised and answers were given of particular significance for the whole system: the legality of the establishment of the Tribunal; the priority over national courts; the competence to deal with further cases. These issues can no longer be queried.

The question of the relationship between the Tribunal and the Dayton and Paris Agreements — whether the former would impede the peace process — can with strong conviction be answered in the negative. Irrespective of certain critical remarks, experience has shown that the two instruments coincide and supplement each other: the indictments against persons such as Mladic and Karadzic, superior in the command chain, excluded them from the negotiations. At an earlier occasion this autumn in New York, Judge Goldstone very convincingly made the point that without these indictments Mladic and Karadzic would have participated at Dayton and that, consequently, no positive result in the peace process would have been possible.

On a more general level, indictees find shelter against international jurisdiction only in States or Entities that deny the Tribunal any cooperation. Even if indictees cannot be arrested under such circumstances, they are nevertheless isolated and find no other place that will harbour them, so their powers remain limited. At the same time, this scenario reveals the significance of the special procedures contemplated in rule 61 of the Tribunal's Rules of Procedure and Evidence, to which Judge Cassese referred this morning. Although this rule has to be applied with a certain caution, it nevertheless serves as a useful instrument to strengthen the efficiency of international jurisdiction.

The ultimate and irrevocable aim of the international community will have to remain the prosecution of all war criminals by the Tribunal. In this context, we call upon the Tribunal, and in particular the Prosecutor, to ensure the application of the principle of non-selectivity; to date, well-known criminals such as Mr. Arkwan and Mr. Seselj have not been indicted. That needs to be rectified.

Reconciliation and restructuring of civilian institutions and society can never be achieved without dealing with this dark chapter in terms of justice, regardless of the person who committed or ordered or otherwise participated in these most severe crimes. In the words of Mr. José Ayala Lasso, the United Nations High Commissioner for Human Rights,

> "the obscenity that a person stands a better chance of being tried and judged for killing one human being than for killing 100,000" *(A/51/292, para. 5)*

must not prevail.

The operation of the Tribunal depends on the cooperation of States. That cooperation was ensured by the creation of the Tribunal through a binding resolution of the Security Council under Chapter VII. Not only do obligations under that resolution override obligations under any other treaty, according to Article 103 of the Charter, but States also have to assume State responsibility with all the necessary legal and political consequences if they do not comply with those obligations. We listened this morning with great interest to the announcement made by President Cassese that he intends to seize the Security Council of this issue.

One of the first duties ensuing from that resolution is the enactment of the necessary implementing legislation. In view of the novelty and complexity of the matter, this is not an easy task. Austria, more affected than many other States due to geographical proximity, has enacted the necessary legislation and has even amended constitutional norms of this process.

Austria is, of course, willing to continue its already close cooperation with the Tribunal by providing evidence material and through the surrendering of suspects. Furthermore, we will actively examine additional ways to assist the Tribunal in carrying out its vital functions.

Regrettably, only a few States have until now enacted appropriate legislation. Austria appeals to all States and entities that have not yet done so to enact the necessary legislation and to cooperate fully with the Tribunal. According to the statement by the President of the Tribunal at the Mid-term Conference, held at Florence on 13 and 14 June 1996, and reiterated in more detail today, the only Government in the area with a record of cooperation is that of Bosnia and Herzegovina, whereas the Republika Srpska shows by far the least readiness. The statement made this morning by Mr. Cassese could not have been clearer. He referred to the fact that since the signing of the Agreement in Paris on 14 December 1995, no major breakthrough has occurred. He went on to say:

> "Some parties to the Agreement have simply failed to implement it in a crucial area: the apprehension of persons indicted by the Tribunal and their surrender to The Hague.
>
> "This applies, in particular, to Serbia and Montenegro and to Republika Srpska". *(supra, p. 7)*

That lack of implementation and necessary legislation violates international law and cannot be accepted. We must however find it equally deplorable that Mr. Cassese had to continue his statement this morning with the following comment:

> "It is a matter of regret that the Federation of Bosnia and Herzegovina has so far failed to execute our arrest warrants. Similarly, it must be regretted that Croatia has failed both to exercise its indisputable influence and authority over Bosnian Croats to apprehend and deliver them to the Tribunal and to execute arrest warrants in Croatia itself, notably in the case of two leading figures, Ivica Rajic and Dario Kordic". *(supra, p. 8)*

Mr. Cassese went on to say that the Tribunal was not established to do victor's justice, but to dispense victim's justice. All concerned must reconsider their recalcitrance and cooperate fully with the Tribunal. In this context, it is, of course, relevant to recall that non-cooperation with the Tribunal and the refusal to surrender indictees are in violation of the Dayton Agreement and therefore cannot be tolerated.

Furthermore, there is a clear connection between the continued presence of war criminals in certain areas and the non-return of refugees, as their presence proves the absence of the rule of law and acts as a disincentive for refugees to return to their homes.

The conclusions of the ministerial steering board and the Presidency of Bosnia and Herzegovina, adopted at a recent Paris meeting, established a clear conditionality between the availability of international financial assistance and the degree to which all the authorities of Bosnia and Herzegovina would fully implement the peace agreement, including cooperation with the International

Criminal Tribunal. That conditionality is of greatest importance. Cooperation with the Tribunal must be an essential element of conditionality at all levels.

At this very moment, in other forums, we are negotiating an instrument through which a permanent international criminal court would be established that would make ad hoc tribunals redundant. As can be seen from the activity of the International Criminal Tribunal, these negotiations are a difficult task and a very sensitive issue, since questions of the sovereignty and independence of judicial systems are at stake. These negotiations will undoubtedly be influenced — and this point was already made this morning by the Ambassador of Italy — by the progress of the International Criminal Tribunal. Its failure would entail disastrous consequences for the negotiations on the international criminal court.

With a view to avoiding such failure, all of us have to lend our full support in implementing the relevant Security Council resolutions, as well as the provisions so wisely enshrined in the Dayton/Paris Accord, in support of the difficult tasks of the Tribunal. Given the lack of cooperation of one Entity in particular, Austria would like to see the Implementation Force (IFOR) take advantage of its mandate and effectively assist the Tribunal with regard to executing international arrest warrants.

This consideration is even more relevant since the whereabouts of the indictees are generally well known. Therefore, it will also be crucial not to weaken the mandate of any post-IFOR operation in that respect. On the contrary, my Government considers this task as high priority. The non-arrest of indictees cannot be tolerated. The credibility of the International Criminal Tribunal and of the international community as a whole is at stake.

Let me conclude by once more pledging my country's full support for the activities of the Tribunal under the most able guidance of President Cassese.

Mr. Campbell (Ireland): I wish to thank the President of the International Tribunal, Judge Antonio Cassese, for the comprehensive statement he has given us. My delegation also commends him and his staff for the quality of his third annual report, which the General Assembly has just noted. In both its detail and analysis, it provides us with a full and clear account of the work that the Tribunal has accomplished over the past year. I should like also to pay tribute to the work of the former Prosecutor, Judge Richard Goldstone, and to assure his successor, Judge Louise Arbour, of the support of the Irish Government.

Ireland reiterates its strong and unequivocal support for the work of the Tribunal. Full cooperation with the Tribunal by all parties in an effort to bring war criminals to justice is a fundamental obligation that must be honoured if genuine stability and lasting peace are to be consolidated. Failure to arrest and transfer persons indicted by the Tribunal constitutes a serious violation of these obligations.

Progress in this area is now more important than ever, following the elections in Bosnia and Herzegovina. The ongoing and appalling revelations of evidence of mass executions in Bosnia and Herzegovina and the mass grave sites that are being uncovered fill us with a sense of outrage and disgust. The families of the victims of these appalling crimes and the vast majority of the people of the region look to the Tribunal and to the international community to put an end to the impunity which the perpetrators of these dreadful crimes continue to enjoy. Only when those responsible for the atrocities committed during the war have been brought to justice can the process of reconciliation fully take hold.

The Irish Government is gravely concerned that indicted war-crime suspects continue to remain at liberty. In accordance with Security Council resolution 827 (1993), other resolutions and the Peace Agreement, the parties are required to take all necessary steps to ensure that they comply with orders of the Tribunal. They must therefore cooperate in the immediate execution of all warrants of arrest and the transfer to the Tribunal of all persons indicted in accordance with article 29 of the statute of the Tribunal. Any challenge to the authority of the International Tribunal is unacceptable and, in this context, my delegation refutes all efforts to try on the territory of the former Yugoslavia persons indicted by the Tribunal.

Ireland and its European partners continue to monitor compliance in this area very closely and have agreed that international organizations and agencies that are active on the ground should examine how they can make a more effective contribution to the efforts that the International Tribunal is itself taking in this regard.

Finally, I should like to express my delegation's appreciation to the Government of the Netherlands, which, as host State, has provided continuous financial and technical support to the International Tribunal. Ireland has assisted the work of the Tribunal through voluntary financial contributions and by providing assistance to the Tribunal's investigation teams. We remain committed to

supporting the activities of the Tribunal in the future and to assisting its work in every possible way.

Mr. Hasmy (Malaysia): At the outset, my delegation wishes to express its profound appreciation to the President of the International Tribunal for the former Yugoslavia, Mr. Antonio Cassese, for the comprehensive third annual report of the Tribunal submitted to the Assembly (A/51/292). My delegation also wishes to express its appreciation to the Government of the Netherlands for the cooperation and support it has extended to the Tribunal since its establishment three years ago.

My delegation has carefully studied the report and we are happy to note that the Tribunal has made some progress in carrying out the formidable tasks entrusted to it by the international community to bring to justice the persons responsible for serious violations of international humanitarian law committed in the territory of former Yugoslavia. We are gratified to note that, despite the limitations and obstacles, the Tribunal has managed to begin the first trial, while two other trials are being scheduled for this year. At the same time, the Tribunal has also issued 18 public indictments on 75 indictees, of which seven are in detention at The Hague. Notable among those indicted were the Serb political leader Mr. Radovan Karadzic and Serb military leader General Ratko Mladic, both of whom had been twice indicted on charges of committing genocide and crimes against humanity. We consider that the successful implementation of this important task would not only serve the cause of justice but also contribute to the restoration of international peace and security in the Balkan region.

However, my delegation is disturbed by the observations contained in paragraphs 168 and 169 of the report on the varying degrees of cooperation or lack of real cooperation extended to the Tribunal by the concerned States and Entities. While we commend the Republic of Bosnia and Herzegovina as the most cooperative party, we deplore the failure of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Serb Entity to comply with the orders and to execute the warrant of arrests issued by the Tribunal. More disturbing to us is the fact that the two notorious indicted war criminals, Karadzic and Mladic, have not been arrested and handed over to the Tribunal in The Hague, as required by the Dayton Accord.

Their failure, therefore, not only constitutes a blatant violation of the provisions of the relevant Security Council resolutions and their commitments to the Dayton Peace Agreement, but also gross disrespect for international humanitarian law. In this regard, my delegation strongly urges the international community to take appropriate action, including punitive measures, to compel the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Serb Entity to comply with their obligations to the Tribunal. The Security Council, which is responsible for its establishment, should also be more assertive in ensuring that Member States fully comply with their obligations to the Tribunal.

We are pleased to note that a productive working relationship has been established between the Tribunal and the Implementation Force (IFOR), resulting in the enhancement of its principal tasks. However, we regret to note that IFOR has not been very helpful in executing the arrest warrants transmitted to it by the Tribunal, despite all the means at its disposal.

My delegation also concurs with the observation in paragraph 204 of the report on the need for the international community to remain vigilant against a dangerous proposal by the Federal Republic of Yugoslavia (Serbia and Montenegro) and Republika Srpska to usurp the authority of the Tribunal by setting up their own tribunals. We consider that such an action would violate the Tribunal's primacy and infringe both Security Council resolutions and the Dayton Peace Agreement. This must be strongly resisted and prevented.

While we appreciate the important role played by the Tribunal in bringing justice to and thereby contributing to the peace and security of the people in Bosnia and Herzegovina, we should also recognize the need for the Tribunal to be given sufficient financial support to carry out its multifarious functions. We strongly feel that the current financial constraints faced by the Organization should not be allowed to hinder the important work of this Tribunal. It is my delegation's hope that the international community will be more forthcoming in its contributions to finance the activities of the Tribunal, including its exhumations programme, to ensure that justice is done to the people in Bosnia and Herzegovina. Malaysia, for its part, has contributed some $2 million to its funds and will continue to render its modest support to the Tribunal.

In conclusion, my delegation hopes that justice will be served, as we firmly believe that "ethnic cleansing" is a crime against humanity and should not be brushed aside out of political expediency. Those responsible for the horrendous acts undertaken in pursuit of "ethnic cleansing" should not be allowed to go unpunished. The

victims must not be denied justice. The work of the Tribunal deserves the continued and unreserved support of the international community.

Mr. Sacirbey (Bosnia and Herzegovina): Let me first express our appreciation for the commitment and efforts of the entire team comprising the International Criminal Tribunal for the former Yugoslavia. Let us also recall the service performed by the former chief Prosecutor of the Tribunal, Judge Richard Goldstone. We expect the same high level of cooperation with the newly appointed Prosecutor, Louise Arbour, and wish her the best in her efforts.

For Bosnia and Herzegovina, the Tribunal is not just an international institution with only a tangential relevance to our country. The Tribunal, by the terms of the Dayton/Paris Peace Agreement, demands our full cooperation. Furthermore, the new Constitution adopted by our country as a consequence of the Dayton/Paris Peace Agreement also demands full cooperation and establishes the Tribunal as the court of highest jurisdiction addressing violations of international humanitarian law in Bosnia and Herzegovina. Our Parliament has adopted the necessary enabling legislation to assure full compliance of our State and local institutions with the Tribunal.

In a similar sense, the countries that sponsored the Dayton/Paris Peace Agreement, in particular the Contact Group members, have committed themselves to ensuring that the Tribunal's legal authority is fully respected. For that matter, the General Assembly and the Security Council, having given life to the Tribunal, are explicitly and implicitly bound to give it the necessary support. For our part, we have restrained and delegated our sovereignty not because of the international community but because of ourselves. The Tribunal for us is an essential — I repeat, essential — element of justice, reconciliation and a lasting peace. This is not for us an issue of revenge.

With all representatives, I listened intently to the report of the President of the Tribunal, Judge Antonio Cassese, this Florentine citizen of physically slight build, of mild demeanour, of superior intellect and commitment to his duties and of anything but machiavellian manners. What is it that makes some so uncomfortable with his words, his message? Is it that he represents a nagging conscience?

When Bosnians were the victims of "ethnic cleansing", torture, rape and genocidal murder, the most powerful countries of this Organization rejected intervention and instead offered humanitarian relief and the promise of justice as a substitute. They promised that the perpetrators of the worst crimes against international humanitarian law would never be allowed to feel secure and that the victims would receive comfort through the authority of the judicial process backed by the power of the most powerful.

However, now that the war has ended, the indicted and unindicted criminals are free, exercise power and contaminate the peace. And the victims are once again subjected to excuses as to why they do not deserve justice.

While we fully appreciate the commitment and efforts of many — and here, in particular, I wish to mention Ambassador Albright, as well as Ambassador Jean-Bernard Mérimée, the former Permanent Representative of France, and Sir David Hannay, the former Permanent Representative of the United Kingdom, who worked to see the Tribunal established — how can we explain or justify that, while there are almost 60,000 superiorly armed and deployed troops of the North Atlantic Treaty Organization (NATO) Implementation Force (IFOR) on the ground in Bosnia and Herzegovina, not even one of these troops has stumbled upon an indicted war criminal or performed an arrest?

The answer lies in the words of the political and military commanders who have openly stated that apprehending an internationally indicted war criminal is not worth risking the life of one soldier from Nebraska, Lyon or Manchester. If such words were uttered and the same policies followed by these same officials within the borders of their own countries, they would shock public confidence, draw immediate condemnation and shake the very foundation of that society. In our society, where we are recovering from war and trying to restore peace and order, such sentiments of indifference gut the process of reconciliation and peace. What deal, explicit or implicit, has been made with the devil, the indicted war criminals, so that the best equipped soldiers on the ground would avoid confronting the criminals while our society is denied real reconciliation and peace?

While we fully recognize that the primary responsibility for compliance rests with the States and authorities of the former Yugoslavia, it is nonetheless the primary responsibility of all States and international institutions to support the Tribunal. It is part of the international code.

But maybe the words of Judge Cassese do not just represent a nagging conscience. The Tribunal has put forth formal indictments against suspected perpetrators; reconfirmed those indictments by issuing internationally mandatory arrest warrants; and issued reports clearly identifying those countries and State authorities that are refusing to cooperate with the Tribunal.

It is not necessary here once again to repeat the Tribunal's condemnations. The Tribunal clearly names the non-compliant and we have all read the reports and heard Judge Cassese's statement. Nonetheless, the Tribunal's reports and requests for action or even sanctions are routinely ignored by the Security Council and the sponsors and implementers of the Dayton/Paris Peace Agreement. Why? Obviously, some believe that the path to their objective — presumably peace — is based upon political expediency rather than real justice and real reconciliation. Even conditionality is not applied with respect to the non-compliant.

A Tribunal has been established by the authority of this Organization, the United Nations, under the statute of international law, and this Tribunal has been endowed with some of the most committed and finest legal minds, experts on international humanitarian law. However, some apparently believe that we do not deserve the benefits of this Tribunal's higher standards, nor do these committed legal minds deserve the Assembly's unqualified support. Instead, some believe Bosnia and Herzegovina's future is best tailored behind closed doors where justice is evaded and *realpolitik* pursued.

Maybe some do not believe that the horrendous crimes, the violations of international humanitarian law, committed against Bosnians are crimes against all of us. Maybe they believe that the Tribunal is just a minor extension of the political process to be employed when convenient in the judgement of a narrowly focused politician or military strategist. I suspect that the mother of that soldier in Nebraska would better comprehend the equality and sanctity of all human life, the universality of justice and the necessity for consistency before the law.

What message is being sent regarding the future of the Tribunal? What message is being sent through the selective application of international law with respect to the future of an envisioned international criminal court? For that matter, what message is being sent with respect to the future of the United Nations?

Some have suggested that the Tribunal is one-sided and not impartial because it has not indicted the same number of persons from each of the ethnic groups involved in the conflict. First of all, this is a perversion of justice and history. Secondly, this is not an issue of ethnic groups, but individual and State accountability for violations of international humanitarian law. Finally, this suggestion is motivated by the desire to rewrite history and to portray all parties and States as somehow equally culpable in order to set aside issues of justice and responsibility and give confirmation to past policies of inaction. This suggestion is only one more proof of political expediency attempting to enslave justice. The Tribunal has so far firmly avoided politicization, but it is now being undermined by politics.

The Bosnian Government would like once again to make clear its long-standing position, its view that any Bosnian citizen, regardless of ethnicity or religion, who has been victimized deserves justice and the full efforts of our Government to achieve that justice. Likewise, any indicted war criminal, regardless of ethnicity or religion, must be held accountable for his or her actions.

The Government of Bosnia and Herzegovina has delivered every indicted criminal under its control to the Tribunal. Most pointedly, while Bosnian Muslims comprise by far the smallest number of indicted persons, ironically, because of the commitment and efforts of our Government to justice, they comprise the single largest number of defendants currently held by the Tribunal.

Despite this demographic and political irony, the Bosnian Government will continue fully to cooperate with the Tribunal and address justice through our national courts and institutions. This is not by any means easy, but rather painful, as justice has been selectively applied by the most powerful. Now it is up to the Assembly to steer justice to its rightful position in the hierarchy of international priorities and to provide the much needed support for the Tribunal and its officers. Let me finally record, as I conclude, our thanks to the Government of the Netherlands for its comprehensive support for the work of the Tribunal. Let me also note the statement of Ireland on behalf of the European Union and the announced indication of a review of options and greater engagement in ensuring compliance with the Tribunal.

Mr. Biegman (Netherlands): I wish to thank the President of the International Criminal Tribunal for the Former Yugoslavia, Judge Cassese, for his important statement and commend him and the Tribunal as a whole

for the manner in which they are carrying out their daunting task.

Since the establishment of the International Criminal Tribunal three years ago, I do not recall having heard anybody express the expectation that the Tribunal's task would be an easy one. On the contrary, many sceptics have exploited numerous opportunities to try to convince the world that the Yugoslavia Tribunal was created with an impossible mission. As the representative of the host country of the Tribunal, but also on more objective grounds, I do not share this defeatist opinion. Ever since Security Council resolution 827 (1993) was adopted in May 1993, my country has had high expectations of the Tribunal. For that very reason, we were very pleased and honoured to welcome the Tribunal to The Hague and we are still pleased to support it wherever and whenever we can.

That does not take away the fact that the task of the Tribunal is anything but an easy one. It is, in fact, highly complicated. This is because, first of all, any bona fide judicial process is always complex and complicated. In order to uphold full impartiality, fair trial and due process, a large variety of rules and regulations has to be implemented and respected. This requires the highest skills on the part of the judiciary, but also on the part of prosecutors and registrars. The value of these rules and regulations became clear only last month when the defence in the Tadic case managed to disclose a false testimony from a key witness for the prosecution.

This was a setback for the prosecution, but it also demonstrated that defendants before the Court receive a fair and impartial trial. The incident pointed to the indispensable character of proper legal proceedings and of counsel for the accused, as well as to the importance of rules dealing, *inter alia*, with perjury.

For the Preparatory Committee on the Establishment of an International Criminal Court there is much to be learned from these developments, as from many other developments with regard to the Tribunal. In short, the Tribunal is rapidly maturing, which, as we all know, is a process that has its ups and downs.

I have just spoken about some legal aspects of the ongoing process which is the Yugoslavia Tribunal. President Cassese, in his statement, went more deeply into the various obstacles confronting the Tribunal. It is clear that it will be spared nothing that is usual in national criminal courts, including perjury, untraceable suspects, non-cooperative witnesses, language problems and so on.

On top of this, the Tribunal also has political problems to cope with. Lacking its own enforcement powers, the Tribunal is fully dependent on the cooperation of States for the provision of suspects and evidence. Annex I to the third annual report of the Tribunal (A/51/292) contains an impressive list of confirmed indictments. Annex II to the same report contains an equally impressive list of failures by States and entities once forming part of the Socialist Federal Republic of Yugoslavia to execute arrest warrants. This explains why, although the increase in cell occupation since last year has been some 600 per cent, only a small number of indicted persons have so far been detained. For some of these detentions thanks are due to States not forming part of the former Yugoslavia.

My disappointment in this respect relates also to the fact that, notwithstanding the Dayton Agreement, it has not been possible for the international community to apprehend the primary suspects in crimes in the former Yugoslavia in cases of refusal on the part of former Yugoslav States or entities to do so. I do not share the view that the Tribunal is bound to fail if it cannot try Mr. Karadzić and General Mladić. It is, however, obvious that their prosecution is priority number one for the Tribunal, since this would confirm for the Tribunal the status which it so much deserves. It would mean that genocide, crimes against humanity and war crimes will not be left unpunished. Maybe other war criminals will have to be apprehended before the main indictees are brought to trial. In any case, it is high time for serious action with regard to arrests.

I want to reiterate my country's firm commitment to supporting the Tribunal and to call on all States and entities to do their duty to empower the Tribunal to fulfil its highly complex task. No country or entity in this world has a valid excuse, legal or otherwise, for harbouring indicted war criminals.

Mr. Kharrazi (Islamic Republic of Iran): I wish to begin by expressing the appreciation of my delegation to Judge Antonio Cassese, the President of the International Tribunal, for presenting the third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, contained in document A/51/292.

The sixty-page report before the General Assembly describes various activities carried out by the Tribunal within a time span of 12 months. The Members of the Organization, who are anxiously looking forward to seeing the offenders of the most heinous crimes brought to justice, attach great importance to this report.

The appalling atrocities committed in the territory of the former Yugoslavia still continue to disturb the conscience of the international community. The commencement of exhumations of mass graves in June 1996 unveiled some horrifying aspects of the monstrous crimes committed in the Balkans. The beginning of trials in The Hague and the appearance of dozens of witnesses before the Tribunal's hearings also demonstrate the broad range and gravity of offenses perpetrated in that region.

The wide scope of outrageous crimes and the enormity of breaches of norms of international humanitarian law made it imperative to found the International Tribunal as an exceptional and unique legal forum beyond the traditional approach of international law, which requires the establishment of such a body by treaty.

The unique character of the Tribunal, and indeed the hope expressed in Security Council resolution 827 (1993) that the Tribunal

> "will contribute to ensuring that such violations are halted and effectively redressed", *(resolution 827 (1993), seventh preambular paragraph)*

raised high expectations of immediate action, irrespective of the fact that such judicial institutions are normally established after the event, when hostilities have come to an end.

Undoubtedly, the success of the Tribunal in bringing to justice the persons responsible for serious violations of international humanitarian law would help to heal the wounds caused by the inhumane treatment directed against Bosnian Muslims by the Serbs, which included genocide, ethnic cleansing, massive rapes of women, torture and the forcible displacement of civilians. It would also send a message to the victims of such criminal acts — whose dimensions and ramifications are beyond any explanation — that humanity will not turn its back on them and that the perpetrators will not be left in impunity. The effective functioning of the Tribunal would certainly contribute to a greater degree to the restoration of peace and security in the region.

We note from the report that in the third year of its activities the Tribunal has become fully operational and has taken positive steps forward. The report indicates that the Tribunal has commenced its first trial, while two other cases before it are in the pre-trial phase, and a fourth case is at the sentencing stage. It further explains that 10 public indictments against a total of 35 individuals have been issued.

We commend the efforts of the President, judges and other members of the Tribunal for their tireless efforts to uphold justice. In the meantime, considering the wide scope of atrocities committed in Balkans, it is quite obvious that the trial of a few criminals and the indictment of some others are far from the realization of the objectives of the Tribunal. A historic responsibility at a very critical juncture is bestowed upon the Tribunal. This international legal body, which enjoys the support of the international community, should redouble its efforts, fulfil effectively and expeditiously the responsibility entrusted to it by the Security Council resolutions, and ensure that under no circumstances will the imperative of justice be overlooked.

The report before the Assembly illustrates the praiseworthy support and cooperation rendered by various States and international organizations for the better functioning of the Tribunal. On the other hand, the report indicates in paragraph 204 that some of the States or entities of the former Yugoslavia, in particular Serbia and Montenegro and the so-called Republika Srpska, still refuse to cooperate fully with the Tribunal and to arrest and transfer the major indictees to meet justice. Such intractable recalcitrance cannot and should not be tolerated by the international community. We agree with the conclusion of the report in paragraph 205 that the persistent illegal refusal of certain States to surrender indictees for trial could certainly defeat the aim of the Security Council and may lead to recurrence of the distressing animosities of past years.

It should be emphasized that the success of the Tribunal in achieving its objectives is certainly tantamount to the victory of humanity in its fight against brutality. Thus, we endorse the suggestion made by the Tribunal that

> "for the sake of international peace and justice such illegal conduct should not continue to be tolerated and appropriate action should be taken to compel States reneging on their international obligations to support the Tribunal". *(A/51/292, para. 205)*

To this end, it is indispensable that all nations put in place all the measures required to enable this Tribunal to fulfil its mission. It is also essential that the United Nations, as the founder of the Tribunal, and the Security Council in particular, adopt effective measures to persuade those States that have yet to obey the orders of the Tribunal to do so, and ensure that the demands of international justice prevail over the interests of a few States. Let us ensure, by our actions and not by our words, that culprits guilty of egregious conduct will not escape with impunity.

Mr. Reyn (Belgium) (*interpretation from French*): At the outset, my delegation wishes to express its appreciation to the President of the International Criminal Tribunal for the Former Yugoslavia, Mr. Antonio Cassese, for the presentation of its third annual report, which gives an exhaustive and clear overview of the work of the Tribunal from 31 July 1995 to 31 July 1996. The quality of the report attests to the seriousness with which the President, the Prosecutor and the staff are carrying out their difficult task. My delegation would also like to express its appreciation for the very substantial contribution that the Netherlands, as host country, is making to the activities of the Tribunal.

In establishing the ad hoc tribunals, the international community has equipped itself with mechanisms for rendering justice that can put an end to the impunity from which, until now, the perpetrators of serious crimes against international law have all too frequently benefited. Despite a broadly positive record, and bearing in mind the difficulties that the Tribunal continues to face, one cannot help but feel that there is still progress to be made. The lack of cooperation shown by the parties, particularly in arresting indictees, contrary to the provisions of the Dayton Accord, continues to be both disappointing and disturbing. The report of the President is most eloquent on this point, referring *inter alia* to the risk of undermining the credibility and authority of the Tribunal implied by such forms of behaviour.

Another potential danger that risks undermining the authority of the Tribunal is the proposal by certain parties to try those persons already accused by the Tribunal on the territory of the former Yugoslavia itself. My delegation believes that the implementation of such proposals might lead to impunity for some of the accused. In this context, the report of the Tribunal rightfully recalls the Leipzig trials of 1920-1922, which remain in humanity's collective memory as a sombre example of impunity for perpetrators of heinous crimes.

Despite these difficulties, or precisely because of these difficulties, my delegation wishes to voice its steadfast support of the work of the Tribunal. Belgium believes that this court is a moral beacon for the international community, which must serve to guide it in the quest for a juster world.

Establishing the true facts on violations of fundamental rights in the former Yugoslavia is progressing with investigations and enquiries by the Tribunal on the ground. Hence, no one can claim in the future to have been unaware of the events in the former Yugoslavia, and no one can remain silent on the heinous crimes perpetrated in that country. The role of the Tribunal in this regard remains crucial, and would already be sufficient in itself for my delegation to support its efforts.

However, the importance of the work of the Tribunal does not end there. Some of the tangible achievements could be highlighted here to better assess the progress made: individual non-collective indictments for crimes committed in the former Yugoslavia; restrictions on the movement of persons indicted by the Tribunal, even though they have not yet been arrested; reminders of the importance of respect for and application of international humanitarian law; contributions to the development of international criminal law; and positive effects on the establishment of an ad hoc Tribunal for Rwanda.

Belgium believes that the achievements of the Tribunal should be developed and consolidated in the years to come. This effort is particularly justified at a time when the international community is preparing for the establishment of a permanent international criminal court. It would indeed be regrettable for the ad hoc Tribunal for Yugoslavia to lose its impetus at this particular time. In this spirit, Belgium urges all parties to collaborate fully with the Tribunal and to adopt the necessary legislation in this regard.

In this respect, Belgium has, in accordance with Security Council resolution 827 (1993) of 25 May 1993, adopted domestic legislation enabling it to ensure the necessary full cooperation with the Tribunal. My country is also ready to make a contribution to the witness-protection programme.

The future international criminal court must draw on the experience and judicial precedents of the ad hoc tribunals. The establishment of a permanent court will provide the international community with a tool to avoid

and prevent crimes that are shocking to the conscience of humankind. The work done by the ad hoc tribunals will have made a useful contribution to the attainment of the objective that we have sought for many years.

Mr. Çelem (Turkey): We were pleased to see that positive developments took place last year in the territory of the former Yugoslavia. The Dayton Agreement was signed and a new political era began in that turbulent region. But the way ahead is still fraught with dangers and there may still be setbacks on the difficult road to a just and viable peace and political stability.

In this context, the successful functioning of the International Criminal Tribunal is of vital importance to the full implementation of the Dayton Agreement, as well as to the establishment of real peace in Bosnia and Herzegovina. Conversely, the Dayton Agreement could have a positive effect on the operation of the Tribunal. Under the terms of the Agreement, the Office of the Prosecutor has acquired the ability to function effectively in many areas, such as the transfer of individuals and the securing of mass-grave sites.

The implementation of the Dayton Agreement is an ongoing process. The prerequisite for the implementation of the Dayton Agreement, as with any international agreement, is that all parties must comply with all its provisions. The obligation to cooperate with the Tribunal is set down in the Dayton Agreement. The refusal of the Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the Tribunal, after having formally recognized and undertaken to cooperate with it, constitutes a violation of the Agreement. This point has been duly reflected in the report submitted by the President of the Tribunal, Judge Antonio Cassese, and in his address to the General Assembly this morning.

The normalization of relations in the territory of the former Yugoslavia and the attainment of the goal of unification in the Republic of Bosnia and Herzegovina will require a new atmosphere of trust and security to be built between the parties. Trust and security can only be achieved by respecting the rule of law. At this critical stage, it is imperative that Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) carry out the arrest warrants of the Tribunal and fully cooperate with it. In this context, as the President of the Tribunal emphasized in his statement, the Tribunal tries only individuals. It does not try peoples, nations or States and by definition is impartial and unbiased. There is, therefore, an obligation for all States to cooperate fully with the Tribunal. The unnecessary sensitivity shown by some States should never be used as an excuse for not cooperating with the Tribunal.

We have studied the third annual report of the Tribunal submitted by its President and listened with great interest to his statement. Most of our concerns are reflected in the report and the statement. We appreciate the work of the Tribunal. Since the last annual report, 10 indictments have been confirmed against 35 individuals. It is indicated in the report that the Appeals Chamber of the Tribunal sat for the first time and rendered a judgement on an appeal in which the defence counsel argued that the Tribunal was unlawfully established and did not have primacy over the competent domestic courts. The Appeals Chamber dismissed these grounds of appeal. We view this as a significant decision. The dismissal decision of the Appeals Chamber firmly establishes the authority of the Tribunal and shows that no legal assertion can be put forward to circumvent or disregard the Tribunal.

In conclusion, I should like to state, once again, our firm conviction that, if peace is to triumph, justice must prevail.

Mr. Hormel (United States of America): The United States welcomes the address made this morning by President Antonio Cassese of the International Criminal Tribunal for the former Yugoslavia. Under his leadership, the Tribunal has undertaken the extraordinary challenge of rendering justice against those individuals responsible for serious violations of international humanitarian law in the former Yugoslavia. In its fourth year of operation, the Tribunal has achieved a historic beginning in a process that must be pursued diligently and with the full support of the international community in the years ahead.

The Prosecutor of the Tribunal, Mrs. Louise Arbour, has approached her new job with the expertise, commitment and energy that reflect the tremendous potential of the Tribunal to uphold the rule of law. We must ensure that such potential is fully realized. We are gratified that President Cassese reviewed several problems and criticisms of the Tribunal in his address. The United States shares his deep concern about the failure of States to cooperate fully with the Tribunal. The victims of the atrocities in the former Yugoslavia, as well as the international community, have waited too long for indicted individuals to be arrested and transferred to The Hague to stand trial.

One year ago this week, the General Framework Agreement for Peace in Bosnia and Herzegovina was signed in Dayton, Ohio, by the representatives of the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro). supplemental agreements were signed by the Federation and by Republika Srpska. We have witnessed significant achievements by all parties under the Dayton Peace Accord. But civilian implementation of the Dayton Accord has been disappointing in many respects, particularly with respect to war crimes.

The United States has maintained consistent pressure on States and Entities in the region to perform the legal obligations to which they committed themselves in the Dayton Accord and which they have reaffirmed on several occasions since then. Only last week in Paris, the presidency of Bosnia and Herzegovina agreed that the guiding principle of achieving peace among their citizens is:

> "full cooperation with the International Criminal Tribunal, in accordance with the Peace Agreement",

and that

> "indicted persons must be surrendered to the Tribunal without delay."

Secretary of State Warren Christopher emphasized in Paris that cooperation with the Tribunal is an essential condition for each party seeking to rejoin the international community. We encourage all Member States to place full cooperation with the Tribunal in the forefront of their own policies and in their relations with the Dayton parties. We also reiterate our appeal to the international community to provide sufficient financial and in-kind assistance to the work of the Tribunal.

One of the reasons the United States has so strongly supported the International Criminal Tribunal for the Former Yugoslavia is because of the critical precedent it represents for the establishment of a permanent international criminal court. If the Tribunal fails to obtain the full cooperation that the Dayton parties and Member States are obligated to provide, then prospects for an effective permanent court may diminish. Therefore, more is at stake in the challenges presented by President Cassese this morning than the accounting for war crimes in the former Yugoslavia.

Finally, we wish to extend our appreciation to President Cassese for his leadership of the Tribunal since 1993. His pioneering role under difficult circumstances merits our admiration and congratulations.

Mr. Henze (Germany): Allow me to convey my deep appreciation of the report of the International Criminal Tribunal for the Former Yugoslavia and its presentation by the Tribunal's President. Given my Government's deep respect for the independence of the International Criminal Tribunal, I shall of course refrain from commenting on the Tribunal's work. On that, the President of the Tribunal has given us a comprehensive and very clear account from the point of view of the Tribunal's judges. I shall instead address the obligation of States to cooperate with the Tribunal.

Bearing in mind the task that was assigned to the Tribunal by Security Council resolution 827 (1993), Germany would like to recall the moral and legal footing on which the International Criminal Tribunal for the Former Yugoslavia stands: those who were involved in acts of genocide, war crimes or crimes against humanity must be held individually accountable. Here, the rule of law, as well as the maintenance of civil society and the reconstruction of war-torn countries, is the issue. Lasting peace and reconciliation in the Balkans can only be achieved when war criminals have been brought to justice.

As my Minister for Foreign Affairs pointed out on his visit to the Tribunal in The Hague on 31 October, the Tribunal depends very much on the cooperation of States in the fulfilment of its tasks. The legal obligation to cooperate with the Tribunal is laid down in article 29 of the Tribunal's statute. The willingness of States to surrender or transfer indictees against whom international warrants of arrest have been issued is vital to the continued successful work of the Tribunal. The German Government believes that the international community owes it to the Tribunal to ensure that article 29 of the statute does not become a dead letter.

It is not only the credibility of the Tribunal itself that is in danger. Also at stake is the credibility of the United Nations, which established the Tribunal through its Security Council and has reaffirmed in a number of resolutions the obligations of the parties to the Dayton Agreement to cooperate fully with it. Ultimately at stake is the moral responsibility of the international community to ensure that those who committed atrocities will not go unpunished and that their victims will not be denied justice.

Germany therefore calls on all States to lend their active support to the Tribunal. As for my own Government, I wish to avail myself of this opportunity to express once again Germany's unequivocal commitment to the Tribunal and its purposes: that justice be done and executed.

Mr. Maleski (The former Yugoslav Republic of Macedonia): The century that is coming to a close has sometimes been called the most violent century in human history, a century of massacres and wars. Facing the future, we are aware that we will not eliminate war, but we can make the twenty-first century less violent.

The Balkans are a region where violations of international law have a historical continuity. One of the reasons is that violators who have repeatedly committed them have never been held accountable. The shifting tides of power relations in and among States, and the breakdown of state systems, have produced leaders who have plunged the peoples of the region into bloody ethnic wars several times in the course of the twentieth century. The object of these wars, which were fought not only by armies but also by the nations themselves, has been the extermination of alien populations. Fueled by ethnic hatred disguised in different ideologies, the policy of aggressive nationalism has devastated the region over and over again.

However, we must not exaggerate the power of this historical continuity. For surely this century is also marked by the advance of justice and democracy. And surely, the long periods of peaceful life of different ethnic and religious groups have been far longer than the short outbursts of violence. One of the ways to put an end to these outbursts, which have repeatedly thrown the region into misery and suffering, is to develop legal codes of behaviour and institutions which see to it that justice is done. For, so long as there is no justice, there will be no peace in the Balkans.The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 is such an institution.

The work of the Tribunal is very important for maintaining peace in the Balkans. The way we dealt with the atrocities committed between different ethnic groups in the past was with amnesia. But the past has kept coming back to haunt us. This is why this time we must, with the help of the Tribunal, prosecute the violators of humanitarian law, thus promoting reconciliation between peoples of different ethnic origin. The lesson that has to be learned is that even in wars there are rules of behaviour, and that if the national state system is unwilling or incapable of dealing with the violators of international law, the international community will hold them responsible. Thus, political leaders who are ready to push their peoples into inter-ethnic violence, without giving a second thought to the consequences, will be forced to think twice.

We are all aware of the difficulties facing the Tribunal. As a result of lack of cooperation by the State authorities, only seven out of 75 indicted persons have been brought to court. The court also has financial problems, even though one day of the Implementation Force (IFOR) costs more than the Tribunal spends in one year.

We are aware of the impediments to its effectiveness arising from the lack of enforcement mechanisms such as an international police force. We are also aware of the fact that Governments are very jealous of their sovereignty. But it is precisely because of these obstacles that the Tribunal is so important. In a system of national States led by individuals with different levels of knowledge, morality and sense of political responsibility, the Tribunal's main task is to demonstrate through the United Nations that there is such a thing as common humanity: that those who do not abide by the rules of international humanitarian law, who shell cities and murder innocent civilians, who commit war crimes such as rape and torture, will be held accountable even if domestic jurisdiction is not willing to prosecute.

The work of the Tribunal is the first act of reconciliation in the Balkans, through which we should acknowledge the suffering of the victims by punishing the perpetrators. Only then can a process of healing begin. Justice must be done, for the sake of the victims and for the future of our children.

Mr. Türk (Slovenia): Slovenia wishes to join the preceding speakers who expressed their appreciation of the third annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. The report submitted this year for the consideration of the General Assembly demonstrates that the Tribunal has become fully operational and that its work justifies the high expectations that characterized its creation. The Tribunal is now entering a new phase of its evolution, and full international support for its mission and its work is necessary.

The principle of the independence of the judiciary is among the sacrosanct general principles of law. It governs the status and the activity of all courts of law, including the Tribunal which is reporting to the General Assembly today. Since its creation, the Tribunal has scrupulously observed the principle of the independence of the judiciary, while actively pursuing the objective of making the Tribunal an effective instrument of international justice. Today everybody agrees that the Tribunal has succeeded. We commend the Tribunal and its President, Judge Antonio Cassese, for this achievement.

At the same time, the principle of the independence of the judiciary imposes certain limitations on the General Assembly in its consideration of the Tribunal's report. The General Assembly and United Nations Member States are gratified by the exhaustive character of the report and by the wealth of information it provides. On the other hand, it would not be appropriate for the General Assembly to comment on all aspects of the report. Our remarks should therefore be limited to those aspects which relate to the necessary support for and cooperation with the Tribunal, while fully preserving the Tribunal's independence.

War crimes committed during the armed conflicts in Croatia and Bosnia and Herzegovina shocked the conscience of mankind. That is why the Security Council, later supported by the General Assembly, decided to establish an effective international judicial organ to prosecute persons responsible for serious violations of international humanitarian law. This was a historic decision in spite of widespread scepticism at the time and despite the fact that it was expected by some that the Tribunal would prosecute only minor war criminals.

The Tribunal then established its normative and logistical infrastructure and, after less than two years, started its judicial action. In that context, the Tribunal and its Prosecutor have proved to be helpful to the cause of peace in a most practical way. The indictments issued in 1995 helped to identify adequate participants in the peace negotiations and thus to the process leading to the Dayton Peace Agreement. This and other instances proved that there is no contradiction between justice and peace. Quite the contrary, the responsible pursuit of justice helped the cause of peace.

The implementation of the Dayton/Paris Peace Agreement enabled the Office of the Prosecutor to carry out investigations in areas affected by the war which had earlier been inaccessible. Implementation of the Peace Agreement has thus contributed to the pursuit of justice.

Today it is possible to claim that the Tribunal has already changed perceptions of the relationship between justice and peace. Peace with justice is a realistic option and one which ought to be pursued globally. The current discussion on the establishment of an international criminal court with general jurisdiction owes much of its viability and promising character to the activity of the Tribunal which is reporting to the General Assembly today. It is likely that its future success will have an important bearing on efforts to establish an international criminal court with general jurisdiction.

The report of the Tribunal notes several welcome developments. The judicial action of the Tribunal and the activity of the Office of the Prosecutor demonstrate the importance of the tasks already undertaken by the Tribunal. The paragraphs on the Registry show a wide variety of activities. We are impressed by the care given to the support and protection of witnesses, and we welcome the cooperation of the Victims and Witnesses Unit with non-governmental organizations. We also welcome certain improvements in the financing of the Tribunal. The developments referred to in paragraphs 127 to 132 of the report are important and demonstrate the support of the General Assembly and of United Nations Member States for the work of the Tribunal. This support ought to continue and should be strengthened.

Finally, we find it important that the number of States which have adopted implementing legislation to strengthen cooperation with the Tribunal is growing. As reported in paragraph 184, Slovenia is among those members of the United Nations which are preparing such implementing legislation.

In several parts of the report, the Tribunal observed that its success still depends on the cooperation of those successor States of former Yugoslavia in which the persons responsible for serious violations of humanitarian law continue to reside. As explained in paragraphs 167 to 170, the degree of cooperation of those States and Entities continues to vary very considerably. It is encouraging that the Republic of Bosnia and Herzegovina has been very cooperative. It is, however, discouraging that the entity of Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) remain on the other side of the spectrum, and in particular that the two main indictees, Radovan Karadzic and Ratko Mladic, who have been indicted, *inter alia*, for genocide, have not been arrested and continue to exert influence in public life. This situation should not be allowed to continue.

It is important that at a meeting between the ministerial Steering Board and the Presidency of Bosnia and Herzegovina held at Paris on 14 November 1996, an agreement was reached to the effect that cooperation with the Tribunal constitutes one of the conditions for international financial assistance in the area. Moreover, it was also agreed that the Security Council should consider the imposition of necessary measures against any party that significantly fails to meet its obligations under the Peace Agreement, of which cooperation with the Tribunal is an important part.

We support this approach, and we believe that it should be effectively pursued. The Security Council should not shy away from its responsibility to take the measures necessary to ensure compliance with its decisions. It seems necessary to recall that Security Council resolution 1031 (1995), which continue to be applicable, called on all States to cooperate with the Tribunal and gave the necessary authority to the peace implementation force to use the means at its disposal to ensure compliance with the orders of the Tribunal. That compliance must include the arrest of the indicted individuals and their transfer to the Tribunal. The need to implement that aspect of the Peace Agreement is becoming ever more urgent. We would like to join all those who are encouraging the efforts for the full implementation of the relevant Security Council resolutions and for an effective pursuit of justice.

The experience of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 has reconfirmed the importance of the link between peace and justice. Peace and justice are mutually supportive and should be pursued together. However, the success of that pursuit depends on the effectiveness of international cooperation. We hope that the present debate will make an important contribution to such cooperation.

Programme of work

The President in the Chair.

The President: I should like to inform members that agenda item 159, entitled "Elimination of coercive economic measures as a means of political and economic compulsion", which was originally scheduled as the third item for this morning, is postponed to a later date to be announced.

I should also like to inform delegates that the programme of work for the remainder of November and for the month of December has been issued this morning as document A/INF/51/3/Rev.1/Add.2.

The list of speakers for each of the items listed in document A/INF/51/3/Rev.1/Add.2 is now open. I will announce the dates for the consideration of other agenda items and keep the Assembly informed of any additions or changes.

The meeting rose at 1 p.m.